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ANNALS

OF

THE CONGRESS OF THE UNITED STATES.

SEVENTEENTH CONGRESS—SECOND SESSION.

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THE

DEBATES AND PROCEEDINGS

IN THE

CONGRESS OF THE UNITED STATES;

WITH

AN APPENDIX

CONTAINING

IMPORTANT STATE PAPERS AND PUBLIC DOCUMENTS,

AND ALL

THE LAWS OF A PUBLIC NATURE;

WITH A COPIOUS INDEX.

SEVENTEENTH CONGRESS.—SECOND SESSION:

COMPRISING THE PERIOD FROM DECEMBER 2, 1822, TO MARCH 3, 1823, INCLUSIVE.

COMPILED FROM AUTHENTIC MATERIALS.

WASHINGTON:

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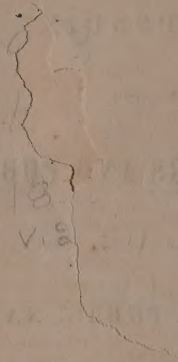

PROCEEDINGS AND DEBATES

OF

THE SENATE OF THE UNITED STATES,

AT THE SECOND SESSION OF THE SEVENTEENTH CONGRESS, BEGUN AT THE CITY OF WASHINGTON, MONDAY, DECEMBER 2, 1822.

MONDAY, December 2, 1822.

The Second Session of the Seventeenth Congress commenced this day at the City of Washington, conformably to the Constitution of the United States, and the Senate assembled.

PRESENT:

DAVID L. MORRIL, and JOHN F. PARROTT, from New Hampshire.

JAMES LLOYD, from Massachusetts.

NEHEMIAH R. KNIGHT, from Rhode Island.

ELIJAH BOARDMAN, and JAMES LANMAN, from Connecticut.

WILLIAM A. PALMER, and HORATIO SEYMOUR, from Vermont.

RUFUS KING, and MARTIN VAN BUREN, from New York.

MAHLON DICKERSON, from New Jersey.

WILLIAM FINDLAY, and WALTER LOWRIE, from Pennsylvania.

CÆSAR A. RODNEY, and NICHOLAS VAN DYKE, from Delaware.

JAMES BARBOUR, and JAMES PLEASANTS, jr., from Virginia.

NATHANIEL MACON, from North Carolina.

JOHN GAILLARD, and WILLIAM SMITH, from South Carolina.

RICHARD M. JOHNSON, and ISHAM TALBOT, from Kentucky.

JOHN H. EATON, and JOHN WILLIAMS, from Tennessee.

ETHAN ALLEN BROWN, and BENJAMIN RUGGLES, from Ohio.

JAMES BROWN, and HENRY JOHNSON, from Louisiana.

JAMES NOBLE, and WALLER TAYLOR, from Indiana.

DAVID HOLMES, and THOMAS H. WILLIAMS, from Mississippi.

NINIAN EDWARDS, from Illinois.

JOHN CHANDLER, and JOHN HOLMES, from Maine.

DAVID BARTON, from Missouri.

JOHN GAILLARD, President, *pro tempore*, resumed the Chair.

JAMES LLOYD, appointed a Senator by the Legislature of the State of Massachusetts, to supply the vacancy occasioned by the death of HARRISON GRAY OTIS, produced his credentials, was qualified, and he took his seat in the Senate.

A quorum of the members being present, a message was, on motion of Mr. BARBOUR, sent to the House of Representatives, announcing the fact, and the readiness of the Senate to proceed to business.

On motion of Mr. BARBOUR, a committee was appointed to join the Committee of the House of Representatives to wait on the President of the United States, and inform him that the two Houses are ready to receive any communication from him; and Mr. KING, of New York, and Mr. MACON, were appointed; and the Senate then adjourned.

TUESDAY, December 3.

DANIEL D. TOMPKINS, Vice President of the United States and President of the Senate, attended.

Mr. KING, of New York, reported, from the joint committee, that they had waited on the President of the United States, and that the President of the United States informed the committee that he would make a communication to the two Houses this day.

Mr. LANMAN submitted a proposition for the appointment of two Chaplains, to interchange weekly between the two Houses of Congress.

REVOLUTIONARY PENSIONS.

The PRESIDENT communicated a report of the Secretary of War, made in obedience to a resolution of the Senate, of the 29th of April last, requiring a statement of the number of persons placed upon the pension list, up to the 4th of September, 1822, by virtue of the acts of the 18th March, 1818, and 1st of May, 1820; and the report was read, as follows:

WAR DEPARTMENT, *Dec.* 2, 1822.

SIR: In obedience to a resolution of the Senate of the 29th of April last, requiring from this Department, at the present session of Congress, a report of the number of persons placed upon the pension list up to the 4th

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of September, 1822, by virtue of the acts of the 18th of March, 1818, and 1st of May, 1820, I have the honor to transmit, herewith, a statement containing the number aforesaid, distinguishing between those who enlisted to serve during the war, and those for different periods, stating the number of each, and the time served, and the number of the officers who receive twenty dollars per month.

I have the honor to be, &c.

J. C. CALHOUN.

To the Hon. the PRESIDENT *of the Senate.*

The following is the number of officers, non-commissioned officers, musicians, privates, petty officers, seamen, and marines, on the United States pension list on the 4th September, 1822, under the laws of the 18th of March, 1818, and 1st of May, 1820, who enlisted to serve to the end of the war, with the length of their service:

Officers who served seven years, at twenty dollars per month	57
Officers who served six years, at twenty dollars per month	66
Officers who served five years, at twenty dollars per month	15
Officers who served four years, at twenty dollars per month	8
Officers who served three years, at twenty dollars per month	5
Officers who served two years, at twenty dollars per month	5
Officers who served one year, at twenty dollars per month	9
Officers who served nine months, at twenty dollars per month	1
Total number of officers	166
Non-commissioned officers, &c., who served seven years	536
Non-commissioned officers, &c., who served six years	1,302
Non-commissioned officers, &c., who served five years	380
Non-commissioned officers, &c., who served four years	145
Non-commissioned officers, &c., who served three years	584
Non-commissioned officers, &c., who served two years	291
Non-commissioned officers, &c., who served one year	102
Non-commissioned officers, &c., who served nine months	22
Total number of non-commissioned officers, &c.	3,362

The following is the number of officers, non-commissioned officers, musicians, privates, petty officers, seamen, and marines, on the United States pension list on the 4th of September, 1822, under the laws of the 18th of March, 1818, and 1st May, 1820, who did not enlist to serve to the end of the war, with the length of their service:

Officers who served six years, at twenty dollars per month	3
Officers who served five years, at twenty dollars per month	13
Officers who served four years, at twenty dollars per month	26
Officers who served three years, at twenty dollars per month	79
Officers who served two years, at twenty dollars per month	88
Officers who served one year, at twenty dollars per month	16
Officers who served nine months, at twenty dollars per month	23
Total number of officers	400
Non-commissioned officers, &c., who served six years	4
Non-commissioned officers, &c., who served five years	85
Non-commissioned officers, &c., who served four years	309
Non-commissioned officers, &c., who served three years	3,513
Non-commissioned officers, &c., who served two years	928
Non-commissioned officers, &c., who served one year	2,750
Non-commissioned officers, &c., who served nine months	814
Total number of non-commissioned officers, &c.	8,403

RECAPITULATION.

Number of officers who served to the end of the war	166
Number of officers who did not serve to the end of the war	400
Number of non-commissioned officers, &c., who served to the end of the war	3,362
Number of non-commissioned officers, &c., who did not serve to the end of the war	8,403
Total number	12,331

PRESIDENT'S ANNUAL MESSAGE.

After adopting several orders connected with the despatch of business—

The following Message was received from the PRESIDENT OF THE UNITED STATES:

Fellow-citizens of the Senate and
House of Representatives:

Many causes unite to make our present meeting peculiarly interesting to our constituents. The operation of our laws on the various subjects to which they apply, with the amendments which they occasionally require, imposes, annually, an important duty on the representatives of a free people. Our system has happily advanced to such maturity, that I am not aware that your cares, in that respect, will be augmented. Other causes exist which are highly interesting to the whole civilized world, and to no portion of it more so, in certain views, than to the United States. Of these causes, and of their bearing on the interests of our Union, I shall communicate the sentiments which I have formed with that freedom which a sense of duty dictates. It is proper, however, to invite your attention, in the first instance, to those concerns respecting which Legislative provision is thought to be particularly urgent.

On the 24th of June last, a Convention of Navigation and Commerce was concluded, in this city, between the United States and France, by Ministers duly authorized for the purpose. The sanction of the Executive having been given to this convention under a conviction that, taking all its stipulations into view, it rested essentially on a basis of reciprocal and equal advantage, I deemed it my duty, in compliance with the authority vested in the Executive by the second section of the act of the last session, of the 6th May, concerning navigation, to suspend, by proclamation, until the end of the next session of Congress, the operation of the act, entitled "An act to impose a new tonnage duty on French ships and vessels, and for other purposes," and to suspend, likewise, all other duties on French vessels, or the goods imported in them, which exceeded the duties on American vessels, and on similar goods imported in them. I shall submit this convention forthwith to the Senate for its advice and consent as to the ratification.

Since your last session, the prohibition which had been imposed on the commerce between the United States and the British colonies, in the West Indies and on this continent, has likewise been removed. Satisfactory evidence having been adduced that the ports of those colonies had been opened to the vessels of the United States by an act of the British Parliament, bearing date on the 24th of June last, on the conditions specified therein, I deemed it proper, in compliance with the provision of the first section of the act of the last session above recited, to declare, by proclamation, bearing date on the 24th of August last, that the ports of the United States should thenceforward, and until the end of the next session of Congress, be open to the vessels of Great Britain employed in that trade, under the limitation specified in that proclamation.

A doubt was entertained whether the act of Congress applied to the British colonies on this continent, as well as to those in the West Indies; but, as the act of Parliament opened the intercourse equally with both, and it was the manifest intention of Congress, as well as the obvious policy of the United States, that the provisions of the act of Parliament should be met, in equal extent, on the part of the United States, and as also the act of Congress was supposed to vest in the President some discretion in the execution of it, I thought it advisable to give it a corresponding construction.

Should the constitutional sanction of the Senate be given to the ratification of the Convention with France, Legislative provisions will be necessary to carry it fully into effect, as it likewise will be to continue in force, on such conditions as may be deemed just and proper, the intercourse which has been opened between the United States and the British colonies. Every light in the possession of the Executive, will, in due time, be communicated on both subjects.

Resting essentially on a basis of reciprocal and equal advantage, it has been the object of the Executive, in transactions with other Powers, to meet the propositions of each with a liberal spirit, believing that thereby the interest of our country would be most effectually promoted. This course has been systematically pursued in the late occurrences with France and Great Britain, and in strict accord with the views of the Legislature. A confident hope is entertained, that, by the arrangement thus commenced with each, all differences respecting navigation and commerce with the dominions in question, will be adjusted, and a solid foundation be laid for an active and permanent intercourse, which will prove equally advantageous to both parties.

The decision of His Imperial Majesty the Emperor of Russia, on the question submitted to him by the United States and Great Britain, concerning the construction of the first Article of the Treaty of Ghent, has been received. A Convention has since been concluded, between the parties, under the mediation of His Imperial Majesty, to prescribe the mode by which that article shall be carried into effect, in conformity with that decision. I shall submit this Convention to the Senate for its advice and consent, as to the ratification, and, if obtained, shall immediately bring the subject before Congress, for such provisions as may require the interposition of the Legislature.

In compliance with the act of the last session, a territorial government has been established in Florida, on the principles of our system. By this act, the inhabitants are secured in the full enjoyment of their rights and liberties, and to admission into the Union, with equal participation in the government with the original States, on the conditions heretofore prescribed to other territories. By a clause in the ninth Article of the Treaty with Spain, by which that Territory was ceded to the United States, it is stipulated that satisfaction shall be made for the injuries, if any, which, by process of law, shall be established to have been suffered, by the Spanish officers, and individual Spanish inhabitants, by the late operations of our troops, in Florida. No provision having yet been made, to carry that stipulation into effect, it is submitted to the consideration of Congress, whether it will not be proper to vest the competent power, in the district court at Pensacola, or in some tribunal, to be specially organized for the purpose.

The fiscal operations of the year have been more successful than had been anticipated at the commencement of the last session of Congress.

The receipts into the Treasury during the three first quarters of the year, have exceeded the sum of fourteen millions seven hundred and forty-five thousand dollars. The payments made at the Treasury during the same period have exceeded twelve millions two hundred and seventy-nine thousand dollars; leaving in the Treasury on the 30th day of September last, (including one million one hundred and sixty-eight thousand five hundred and ninety-two dollars and twenty-four cents, which were in the Treasury on the first day of January last) a sum exceeding four millions one hundred and twenty-eight thousand dollars.

Besides discharging all demands for the current service of the year, including the interest and reimbursement of the public debt, the six per cent. stock of 1796, amounting to eighty thousand dollars, has been redeemed. It is estimated that, after defraying the current expenses of the present quarter, and redeeming the two millions of six per cent. stock of 1820, there will remain in the Treasury, on the first day of January next, nearly three millions of dollars. It is estimated that the gross amount of duties which have been secured, from the first of January to the 30th of September last, has exceeded nineteen millions five hundred thousand dollars, and the amount for the whole year will probably not fall short of twenty-three millions of dollars.

Of the actual force in service under the present Military Establishment, the posts at which it is sta-

tioned, and the condition of each post, a report from the Secretary of War, which is now communicated, will give a distinct idea. By like reports, the state of the Academy at West Point will be seen, as will be the progress which has been made on the fortifications along the coast, and at the National Armories and Arsenals.

The position on the Red River, and that at the Sault of St. Marie, are the only new posts that have been taken. These posts, with those already occupied in the interior, are thought to be well adapted to the protection of our frontiers. All the force, not placed in the garrisons along the coast, and in the ordnance depots, and indispensably necessary there, is placed on the frontiers.

The organization of the several corps composing the army, is such as to admit its expansion to a great extent, in case of emergency, the officers carrying with them all the light which they possess to the new corps, to which they might be appointed.

With the organization of the staff, there is equal cause to be satisfied. By the concentration of every branch, with its chief in this city, in the presence of the Department, and with a grade, in the chief military station, to keep alive and cherish a military spirit, the greatest promptitude in the execution of orders, with the greatest economy and efficiency, are secured. The same view is taken of the Military Academy. Good order is preserved in it, and the youth are well instructed in every science connected with the great objects of the Institution. They are also well trained and disciplined in the practical parts of the profession. It has been always found difficult to control the ardor inseparable from that early age, in such manner as to give it a proper direction. The rights of manhood are too often claimed, prematurely; in pressing which too far, the respect which is due to age, and the obedience necessary to a course of study and instruction, in every such institution, are sometimes lost sight of. The great object to be accomplished is the restraint of that ardor, by such wise regulations and government, as, by directing all the energies of the youthful mind to the attainment of useful knowledge, will keep it within a just subordination, and at the same time elevate it to the highest purposes. This object seems to be essentially obtained in this Institution, and with great advantage to the Union.

The Military Academy forms the basis, in regard to science, on which the Military Establishment rests. It furnishes annually, after due examination, and on the report of the academic staff, many well informed youths to fill the vacancies which occur in the several corps of the army, while others, who retire to private life, carry with them such attainments, as, under the right reserved to the several States to appoint the officers and to train the militia, will enable them, by affording a wider field for selection, to promote the great object of the power vested in Congress, of providing for the organizing, arming, and disciplining the militia. Thus, by the mutual and harmonious co-operation of the two Governments, in the execution of a power divided between them, an object always to be cherished, the attainment of a great result, on which our liberties may depend, cannot fail to be secured. I have to add, that, in proportion as our regular force is small, should the instruction and discipline of the militia, the great resource on which we rely, be pushed to the utmost extent that circumstances will admit.

A report from the Secretary of the Navy will communicate the progress which has been made in the construction of vessels of war, with other interesting details respecting the actual state of the affairs of that department. It has been found necessary for the protection of our commerce, to maintain the usual squadrons on the Mediterranean, the Pacific, and along the Atlantic coast, extending the cruises of the latter into the West Indies, where piracy, organized into a system, has preyed on the commerce of every country trading thither. A cruise has also been maintained on the coast of Africa, when the season would permit, for the suppression of the slave trade; and orders have been given to the commanders of all our public ships to seize our own vessels, should they find any engaged in that trade, and to bring them in for adjudication.

In the West Indies piracy is of recent date, which may explain the cause why other Powers have not combined against it. By the documents communicated, it will be seen that the efforts of the United States to suppress it, have had a very salutary effect. The benevolent provision of the act, under which the protection has been extended alike to the commerce of other nations, cannot fail to be duly appreciated by them.

In compliance with the act of the last session, entitled "An act to abolish the United States' Trading Establishments," agents were immediately appointed, and instructed, under the direction of the Secretary of the Treasury, to close the business of the trading-houses among the Indian tribes, and to settle the accounts of the factors and sub-factors engaged in that trade, and to execute, in all other respects, the injunctions of that act, in the mode prescribed therein. A final report of their proceedings shall be communicated to Congress as soon as it is received.

It is with great regret I have to state that a serious malady has deprived us of many valuable citizens at Pensacola, and checked the progress of some of those arrangements which are important to the territory. This effect has been sensibly felt in respect to the Indians who inhabit that territory, consisting of the remnants of several tribes, who occupy the middle ground between St. Augustine and Pensacola, with extensive claims, but undefined boundaries. Although peace is preserved with those Indians, yet their position and claims tend essentially to interrupt the intercourse between the eastern and western parts of the territory, on which our inhabitants are principally settled. It is essential to the growth and prosperity of the territory, as well as to the interests of the Union, that these Indians should be removed, by special compact with them, to some other position, or concentrated within narrower limits where they are. With the limited means in the power of the Executive, instructions were given to the Governor to accomplish this object, so far as it might be practicable, which was prevented by the distressing malady referred to. To carry it fully into effect, in either mode, additional funds will be necessary, to the provision of which the powers of Congress alone are competent. With a view to such provision as may be deemed proper, the subject is submitted to your consideration, and, in the interim, further proceedings are suspended.

It appearing that so much of the act entitled "An act regulating the staff of the Army," which passed on the 14th April, 1818, as relates to the Commissa-

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riat, will expire in April next, and the practical operation of that department having evinced its great utility, the propriety of its renewal is submitted to your consideration.

The view which has been taken of the probable productiveness of the lead mines, connected with the importance of the material to the public defence, makes it expedient that they should be managed with peculiar care. It is therefore suggested whether it will not comport with the public interest to provide by law for the appointment of an agent skilled in mineralogy, to superintend them, under the direction of the proper department.

It is understood that the Cumberland road, which was constructed at a great expense, has already suffered from the want of that regular superintendence, and of those repairs, which are indispensable to the preservation of such a work. This road is of incalculable advantage, in facilitating the intercourse between the Western and the Atlantic States. Through it, the whole country from the northern extremity of Lake Erie to the Mississippi, and from all the waters which empty into each, finds an easy and direct communication to the seat of Government, and thence to the Atlantic. The facility which it affords to all military and commercial operations, and also to those of the Post Office Department, cannot be estimated too highly. This great work is likewise an ornament and an honor to the nation. Believing that a competent power to adopt and execute a system of internal improvement has not been granted to Congress, but that such a power, confined to great national purposes, and with proper limitations, would be productive of eminent advantage to our Union, I have thought it advisable that an amendment of the Constitution, to that effect, should be recommended to the several States. A bill which assumed the right to adopt and execute such a system having been presented for my signature, at the last session, I was compelled, from the view which I had taken of the powers of the General Government, to negative it, on which occasion I thought it proper to communicate the sentiments which I had formed, on mature consideration, on the whole subject. To that communication, in all the views in which the great interest to which it relates, may be supposed to merit your attention, I have now to refer. Should Congress, however, deem it improper to recommend such an amendment, they have, according to my judgment, the right to keep the road in repair, by providing for the superintendence of it, and appropriating the money necessary for repairs. Surely, if they had the right to appropriate money to make the road, they have a right to appropriate it to preserve the road from ruin. From the exercise of this power no danger is to be apprehended. Under our happy system, the people are the sole and exclusive fountain of power. Each government originates from them, and to them alone, each to its proper constituents, are they respectively and solely responsible, for the faithful discharge of their duties, within their constitutional limits. And that the people will confine their public agents, of every station, to the strict line of their constitutional duties, there is no cause to doubt. Having, however, communicated my sentiments to Congress, at the last session, fully, in the document to which I have referred, respecting the right of appropriation, as distinct from the right of jurisdiction and sovereignty over the territory in question, I deem it improper to enlarge on the subject here.

From the best information that I have been able to obtain, it appears that our manufactures, though depressed immediately after the peace, have considerably increased, and are still increasing, under the encouragement given them by the tariff of 1816, and by subsequent laws. Satisfied I am, whatever may be the abstract doctrine in favor of unrestricted commerce, provided all nations would concur in it, and it was not liable to be interrupted by war, which has never occurred, and cannot be expected, that there are other strong reasons applicable to our situation, and relations with other countries, which impose on us the obligation to cherish and sustain our manufactures. Satisfied, however, I likewise am, that the interest of every part of our Union, even of those most benefited by manufactures, requires that this subject should be touched with the greatest caution, and a critical knowledge of the effect to be produced by the slightest change. On full consideration of the subject, in all its relations, I am persuaded that a further augmentation may now be made of the duties on certain foreign articles, in favor of our own, and without affecting, injuriously, any other interest. For more precise details, I refer you to the communications which were made to Congress during the last session.

So great was the amount of accounts for moneys advanced during the late war, in addition to others of a previous date, which, in the regular operations of the Government, necessarily remained unsettled, that it required a considerable length of time for their adjustment. By a report from the First Comptroller of the Treasury, it appears that on the fourth of March, 1817, the accounts then unsettled amounted to one hundred and three millions sixty-eight thousand eight hundred and seventy-six dollars and forty-one cents, of which, on the 30th of September of the present year, ninety-three millions one hundred and seventy-five thousand three hundred and ninety-six dollars and fifty-six cents had been settled; leaving on that day a balance unsettled of nine millions eight hundred and ninety-three thousand four hundred and seventy-nine dollars and eighty-five cents. That there have been drawn from the Treasury, in paying the public debt, and sustaining the Government in all its operations and disbursements since the 4th of March, 1817, one hundred and fifty-seven millions one hundred and ninety-nine thousand three hundred and eighty dollars and ninety-six cents, the accounts for which have been settled to the amount of one hundred and thirty-seven millions five hundred and one thousand four hundred and fifty one dollars and twelve cents; leaving a balance unsettled of nineteen millions six hundred and ninety-seven thousand nine hundred and twenty-nine dollars and eighty-four cents. For precise details respecting each of these balances, I refer to the report of the Comptroller, and the documents which accompany it.

From this view it appears that our commercial differences with France and Great Britain have been placed in a train of amicable arrangement, on conditions fair and honorable in both instances to each party; that our finances are in a very productive state, our revenue being at present fully competent to all the demands upon it; that our military force is well organized in all its branches, and capable of rendering the most important service, in case of emergency, that its number will admit of; that due progress has been made, under existing appropriations, in the construction of fortifications, and in the operations of the

Ordnance Department; that due progress has, in like manner, been made in the construction of ships of war; that our Navy is in the best condition, felt and respected in every sea in which it is employed for the protection of our commerce; that our manufactures have augmented in amount and improved in quality; that great progress has been made in the settlement of accounts, and in the recovery of the balances due by individuals; and that the utmost economy is secured and observed in every Department of the Administration.

Other objects will likewise claim your attention; because, from the station which the United States hold as a member of the great community of nations, they have rights to maintain, duties to perform, and dangers to encounter.

A strong hope was entertained that peace would ere this have been concluded between Spain and the independent Governments south of the United States in this hemisphere. Long experience having evinced the competency of those Governments to maintain the independence which they had declared, it was presumed that the considerations which induced their recognition by the United States, would have had equal weight with other Powers, and that Spain herself, yielding to those magnanimous feelings of which her history furnishes so many examples, would have terminated, on that basis, a controversy so unavailing, and at the same time so destructive. We still cherish the hope that this result will not long be postponed.

Sustaining our neutral position, and allowing to each party, while the war continues, equal rights, it is incumbent on the United States to claim of each, with equal rigor, the faithful observance of our rights, according to the well-known law of nations. From each, therefore, a like co-operation is expected in the suppression of the piratical practice which has grown out of this war, and of blockades of extensive coasts on both seas, which, considering the small force employed to sustain them, have not the slightest foundation to rest on.

Europe is still unsettled, and although the war long menaced between Russia and Turkey has not broken out, there is no certainty that the differences between those Powers will be amicably adjusted. It is impossible to look to the oppressions of the country, respecting which those differences arose, without being deeply affected. The mention of Greece fills the mind with the most exalted sentiments, and arouses in our bosoms the best feelings of which our nature is susceptible. Superior skill and refinement in the arts, heroic gallantry in action, disinterested patriotism, enthusiastic zeal and devotion in favor of public liberty, are associated with our recollections of ancient Greece. That such a country should have been overwhelmed, and so long hidden, as it were, from the world, under a gloomy despotism, has been a cause of unceasing and deep regret to generous minds for ages past. It was natural, therefore, that the reappearance of these people in their original character, contending in favor of their liberties, should produce that great excitement and sympathy in their favor, which have been so signally displayed throughout the United States. A strong hope is entertained that these people will recover their independence, and resume their equal station among the nations of the earth.

A great effort has been made in Spain and Portugal to improve the condition of the people, and it must be very consoling, to all benevolent minds, to see the extraordinary moderation with which it has been conducted. That it may promote the happiness of both nations, is the ardent wish of this whole people, to the expression of which we confine ourselves; for, whatever may be the feelings or sentiments which every individual under our Government has a right to indulge and express, it is, nevertheless, a sacred maxim, equally with the Government and people, that the destiny of every independent nation, in what relates to such improvements, of right belongs, and ought to be left, exclusively to themselves.

Whether we reason from the late wars, or from those menacing symptoms which now appear in Europe, it is manifest that, if a convulsion should take place in any of those countries, it will proceed from causes which have no existence, and are utterly unknown in these States, in which there is but one order, that of the people, to whom the sovereignty exclusively belongs. Should war break out in any of those countries, who can foretell the extent to which it may be carried, or the desolation which it may spread? Exempt as we are from these causes, our internal tranquillity is secure; and, distant as we are from the troubled scene, and faithful to first principles, in regard to other Powers, we might reasonably presume that we should not be molested by them. This, however, ought not to be calculated on as certain. Unprovoked injuries are often inflicted, and even the peculiar felicity of our situation might, with some, be a cause for excitement and aggression. The history of the late wars in Europe furnishes a complete demonstration that no system of conduct, however correct in principle, can protect neutral Powers from injury from any party; that a defenceless position, and distinguished love of peace, are the surest invitations to war; and that there is no way to avoid it, other than by being always prepared, and willing, for just cause, to meet it. If there be a people on earth whose more especial duty it is to be at all times prepared to defend the rights with which they are blessed, and to surpass all others in sustaining the necessary burdens, and in submitting to sacrifices to make such preparations, it is undoubtedly the people of these States.

When we see that a civil war, of the most frightful character, rages from the Adriatic to the Black Sea; that strong symptoms of war appear in other parts, proceeding from causes which, should it break out, may become general, and be of long duration; that the war still continues between Spain and the Independent Governments, her late provinces, in this hemisphere; that it is likewise menaced between Portugal and Brazil, in consequence of the attempt of the latter to dismember itself from the former; and that a system of piracy, of great extent, is maintained in the neighboring seas, which will require equal vigilance and decision to suppress it, the reasons for sustaining the attitude which we now hold, and for pushing forward all our measures of defence with the utmost vigor, appear to me to acquire new force.

The United States owe to the world a great example, and, by means thereof, to the cause of liberty and humanity, a generous support. They have so far succeeded, to the satisfaction of the virtuous and enlightened of every country. There is no reason to doubt that their whole movement will be regulated by a sacred regard to principle, all our institutions being founded on that basis. The ability to support our own cause, under any trial to which it may be exposed, is the great point on which the public solicitude

rests. It has been often charged against free Governments, that they have neither the foresight nor the virtue to provide, at the proper season, for great emergencies; that their course is improvident and expensive; that war will always find them unprepared, and whatever may be its calamities, that its terrible warnings will be disregarded and forgotten as soon as peace returns. I have full confidence that this charge, so far as relates to the United States, will be shown to be utterly destitute of truth.

JAMES MONROE.

WASHINGTON, *Dec.* 3, 1822.

The Message and accompanying documents were read, and three thousand copies thereof ordered to be printed for the use of the Senate.

Mr. VAN BUREN presented the memorial of Ebenezer Stevens and others, praying that Congress would afford them relief on account of a demand against the United States, arising out of certain contracts entered into with Robert Morris, Esq., for the supply of provisions to the Army of the United States during the Revolutionary war; the memorial was read, and laid on the table.

WEDNESDAY, December 4.

NICHOLAS WARE, from the State of Georgia, attended.

The several orders respecting Chaplains, messengers, newspapers, &c., proposed yesterday, were concurred in.

Mr. NOBLE proposed a resolution to proceed, on Friday next, to the election of a Chaplain, which proposition lies on the table until to-morrow.

THURSDAY, December 5.

JESSE B. THOMAS, from the State of Illinois, attended.

The Senate adopted a resolution to proceed on Monday next to the appointment of its standing committees.

Mr. JOHNSON, of Kentucky, gave notice that he should, on Monday next, ask leave to introduce a bill to abolish imprisonment for debt.

Mr. BARTON gave notice, that he should, on Monday next, ask leave to bring in a bill concerning the lands to be granted to the State of Missouri for the purposes of education, and other public uses.

The Senate then adjourned to Monday next.

MONDAY, December 9.

SAMUEL L. SOUTHARD, from the State of New Jersey, arrived on the sixth instant, and attended this day.

Mr. JOHNSON, of Kentucky, presented the petition of William Thornton, stating that he took out a patent, on the 16th of January, 1809, for certain improvements, including particularly a boiler; praying a renewal thereof, it never having as yet produced him any advantages whatever; the petition was read, and laid on the table.

On motion of Mr. PLEASANTS, the Senate proceeded to the election of a Chaplain, and on counting the ballots, they stood as follows:

For the Rev. CHARLES MCILVAINE - - 23
Rev. JOHN BRICE - - - - 9

Mr. MCILVAINE, having received a majority of the whole number of votes, was accordingly elected.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate of the United States:

In compliance with the resolution of the Senate, of the 8th of May last, requesting "information relative to the Copper Mines on the southern shore of Lake Superior; their number, value, and position; the names of the Indian tribes who claim them; the practicability of extinguishing their titles; and the probable advantages which may result to the Republic from the acquisition, and working these mines;" I herewith transmit a report from the Secretary of War, which comprises the information desired in the resolution referred to.

JAMES MONROE.

WASHINGTON, *December* 7, 1822.

The Message and accompanying report were read.

Mr. BARBOUR presented the petition of a number of merchants, and others, of the city of Richmond, in Virginia, praying Congress to cause to be erected, within that collection district, a hospital for the relief of sick and disabled seamen; the petition was read; and referred to the Committee on Commerce and Manufactures.

Mr. VAN BUREN presented the petition of James Byers, of the city and State of New York, who was a contractor for supplying rations to the troops of the United States, within the States of Connecticut, Rhode Island, Massachusetts, and New Hampshire, for one year, from the first of June, 1814, praying relief in the settlement of his accounts, for reasons stated in the petition; which was read; and referred to the Committee on Claims.

Mr. DICKERSON submitted the following motion for consideration:

Resolved, That a committee of three members be appointed, who, with three members of the House of Representatives, to be appointed by that House, shall have the direction of the money appropriated to the purchase of books and maps for the use of the two Houses of Congress.

STANDING COMMITTEES.

The Senate then, according to the order of the day, proceeded to the appointment (by ballot, agreeably to the practice of the Senate,) of the standing committees; and they were successively appointed, as follows:

On Foreign Relations—Messrs. BARBOUR, BROWN, of Louisiana, MACON, KING, of New York, ELLIOTT.

On Finance—Messrs. LOWRIE, HOLMES, of Maine, VAN BUREN, EATON, MACON.

On Commerce and Manufactures—Messrs. DICKERSON, RUGGLES, D'WOLF, FINDLAY, LANMAN.

On Military Affairs—Messrs. WILLIAMS, of Tennessee, CHANDLER, TAYLOR, JOHNSON, of Kentucky, ELLIOTT.

On the Militia—Messrs. NOBLE, SEYMOUR, STOKES, LANMAN, CHANDLER.

On Naval Affairs—Messrs. PLEASANTS, WILLIAMS, of Mississippi, PARROTT, WARE, LLOYD, of Massachusetts.

On the Public Lands—Messrs. VAN DYKE, THOMAS, LOWRIE, EATON, BENTON.

On Indian Affairs—Messrs. JOHNSON, of Louisiana, JOHNSON, of Kentucky, HOLMES, of Mississippi, KING, of Alabama, BENTON.

On Claims—Messrs. RUGGLES, BOARDMAN, VAN DYKE, BARTON, MORRIL.

On the Judiciary—Messrs. SMITH, SOUTHARD, VAN BUREN, HOLMES, of Maine, BROWN, of Ohio.

On the Post Office and Post Roads—Messrs. PALMER, STOKES, BARTON, CHANDLER, KING, of Alabama.

On Pensions—Messrs. NOBLE, SEYMOUR, EATON, WARE, ELLIOTT.

On the District of Columbia—Messrs. BARBOUR, LLOYD, of Maryland, D'WOLF, SOUTHARD, LANMAN.

On the Contingent Expenses of the Senate—Messrs. MACON, LOWRIE, LANMAN.

TUESDAY, December 10.

ELIJAH H. MILLS, from the State of Massachusetts; and, also, THOMAS H. BENTON, from the State of Missouri, severally attended this day.

Mr. PLEASANTS called up the petition, heretofore presented, of Joseph Janney, praying compensation for buildings, and other property, destroyed by the enemy during the late war with Great Britain, in consequence of the occupancy thereof by the militia; and the petition was read, and referred to the Committee of Claims.

Mr. JOHNSON, of Louisiana, gave notice that to-morrow he should ask leave to introduce a bill to enable the holders of French, British, and Spanish titles to lands within the State of Louisiana, which have not been recognised as valid by the Government of the United States, to institute proceedings to try the validity thereof, and for other purposes.

Mr. JOHNSON, of Kentucky, presented the memorial of Edward De Krafft, praying the aid of Congress to a proposed publication, comprising a *selection* of public documents. The memorial was read, and referred to the Committee on the Judiciary.

Mr. KNIGHT called up the petition, presented at the last session of Congress, of Jacob Babbitt, merchant, of the port of Bristol, in the State of Rhode Island, praying the remission of duties on a large quantity of sugar, which was totally destroyed by the great storm on the 23d of September, 1815, as stated in the petition; which was read, and referred to the Committee on Finance.

Mr. BARTON presented the petition of a number of the citizens of Lillard and Ray counties, in the State of Missouri, praying the division of the present Howard Land District, and the establishment of an additional land office; the petition was read, and referred to the Committee on Public Lands.

Mr. PARROTT gave notice that to-morrow he should ask leave to introduce a bill to authorize the purchase of a number of copies of the sixth volume of the Laws of the United States.

Mr. LLOYD, of Massachusetts, called up the petition, presented at the last session of Congress, of Walley and Foster, praying the benefit of drawback on pepper, exported. The petition was read, and referred to the Committee on Finance.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate of the United States:

Recent information of the multiplied outrages and depredations which have been committed on our seamen and commerce, by the pirates, in the West Indies and Gulf of Mexico, exemplified by the death of a very meritorious officer, seems to call for some prompt and decisive measures on the part of the Government. All the public vessels adapted to that service, which can be spared from other indispensable duties, are already employed in it; but, from the knowledge which has been acquired of the places from whence these outlaws issue, and to which they escape from danger, it appears that it will require a particular kind of force, capable of pursuing them into the shallow waters to which they retire, effectually to suppress them. I submit to the consideration of the Senate the propriety of organizing such force for that important object.

JAMES MONROE.

WASHINGTON, *December* 9, 1822.

The Message was read, and referred to the Committee on Naval Affairs.

The following Message was also received from the PRESIDENT OF THE UNITED STATES:

To the Senate of the United States:

In compliance with a resolution of the Senate, of the 22d February last, "requesting the President of the United States to cause to be collected and communicated to the Senate, at the commencement of the next session of Congress the best information which he may be able to obtain, relative to certain Christian Indians, and the lands intended for their benefit, on the Muskingum, in the State of Ohio, granted under an act of Congress of June 1st, 1790, to the Society of the United Brethren for propagating the Gospel among the Heathen; showing, as correctly as possible, the advance or decline of said Indians in numbers, morals, and intellectual endowments; whether the lands have inured to their sole benefit, and if not, to whom, in whole or in part, have such benefits accrued;" I transmit a report from the Secretary of War, with the accompanying documents.

JAMES MONROE.

WASHINGTON, *December* 9, 1822.

The Message and accompanying documents were read, and ordered to be printed for the use of the Senate.

The Senate resumed the consideration of the resolution for the appointment of a joint committee on the arrangements for the Library of Congress; and, having agreed thereto, Messrs. DICKERSON, ELLIOTT, and MILLS, were appointed the committee on the part of the Senate.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

I now transmit to both Houses of Congress, the report of the Commissioner of Public Buildings, made

in obedience to a resolution of the Senate, passed the 28th day of January, 1818.

JAMES MONROE.

DECEMBER 10, 1822.

The Message and accompanying report were read, and referred to the Committee on the District of Columbia.

Mr. BARTON submitted the following motion for consideration:

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of making further provisions, by law, regulating the leasing and working of the lead mines of the United States.

Agreeably to notice, Mr. BARTON asked and obtained leave to introduce a bill concerning the lands granted to the State of Missouri for the purpose of education and other public uses. The bill was read, and passed to the second reading.

On motion by Mr. VAN BUREN, the petition of Ebenezer Stevens and others, praying the adjustment of their claim against the United States, presented on the 3d instant, was referred to the Committee of Claims.

IMPRISONMENT FOR DEBT.

Agreeably to notice, Mr. JOHNSON, of Kentucky, having obtained leave, introduced a bill to abolish imprisonment for debt, by the courts of the United States; and the bill was twice read by general consent, and referred to the Committee on the Judiciary.

Mr. JOHNSON, of Kentucky, said, that, in pursuance of notice given on a former occasion, he would now ask leave to introduce a bill to abolish imprisonment for debt. He was prepared to have presented it yesterday, but he did not wish to interrupt the course of business then before the Senate. He did not intend, now, to make many remarks on this motion, reserving to himself the privilege of investigating the subject more fully, when its merits should be more properly before the Senate. He was happy to learn, he said, that he should have assistance in his exertions from some honorable members, whilst he expected opposition from others. The subject had been before Congress two or three sessions previous, and the uniform result had been favorable reports from select committees, to whom it had been referred, without any final decision, for the want of time. He hoped, at the present session, the measure would be adopted or decisively rejected. Mr. J. said, he was actuated by several considerations in making this motion. The most important was a thorough conviction of the propriety of the measure. Another inducement was, that it accorded with the sentiments of the State which he had the honor in part to represent. The Kentucky Legislature had already adopted the measure; and though her relief measures had produced some discontent with distant journals, still this part of her system had met with something like general approbation, so far as he could ascertain public sentiment. He had no doubt time would prove the justice, and wisdom of her whole system, but in relation to this particular branch of it, (he meant the abolishing of imprisonment for debt,) it gave her claims to as much honor and glory as any one act of her administration since her admission into the Union. Mr. J. said he was anxious to see this system adopted by Congress, and extended to every branch of the Federal Judiciary, that the liberty of the citizen might be secure, and the public confidence increase in that branch of the General Government. He believed that the right of the States to exercise such a power had not been questioned. In fact, it had been decided by the Supreme Court of the United States, in the case of Sturgis *vs.* Crowninshield, that a State had the right to pass laws releasing the body of the debtor from imprisonment.

Mr. KING, of New York, here suggested whether it was in order to enter into a discussion of the merits of the bill in this stage of its progress.

Mr. JOHNSON replied that he had intended merely to submit a few introductory general views of the subject. If, however, his remarks were unacceptable to the Senate, or uninteresting to the gentleman from New York, he would give way to any other business—he would give way to the gentleman from New York.

Mr. KING felt certainly no indisposition to hear the remarks of Mr. J., but he thought them not strictly in order.

Mr. JOHNSON said he would proceed, as nothing else appeared to claim the attention of the Senate. He was about to remark upon the operation of the system in Kentucky; and the difficulties that had arisen there from the emanation of the ca. sa. from the Federal Judiciary, the law of that State to the contrary notwithstanding. Very early after the organization of the Federal Government, Congress had adopted the execution laws of each State, to be the rule of government for its courts, located in the several States. The execution laws of the several States were widely different. During the late troubles in Kentucky it was made a question, what was the intention of Congress in relation to this subject? Whether it was intended to recognise the execution laws then in force, and make them like the laws of the Medes and Persians, irrevocable; or to recognise and conform to the systems of the different States, as they should be modified. Although a diversity of opinion existed among the most eminent counsel of the State, the Federal Court in Kentucky had decided that the execution laws of the State, as modified, were to control the Federal Court process. He believed this a correct decision. Since the passage of the law abolishing imprisonment for debt, application had been made to the Federal Court in Kentucky for the ca. sa. The court refused to grant it, and an appeal had been taken to the Supreme Court. After this decision of the court, that the body of the debtor could not be taken, he was surprised to find that instances had occurred in which the clerk of the court had issued the ca. sa., and it had been executed by the deputy marshal. Mr. J. was convinced, from the information he had received, that this procedure had taken place in consequence of some misunderstanding as to the extent of the opinion of the court; and he hoped the practice would conform

to the statutes of the States, until the ultimate decision of the Supreme Court, or until it could be ascertained whether Congress would expressly, by law, abolish imprisonment for debt; or whether they would modify the law and make it more definite and precise. He was happy to believe that public sentiment was in favor of this measure; and he conceived this sentiment to be something like an instruction to Congress. He was happy to find that the Governor of South Carolina, in his excellent message, had recommended this subject to the consideration of the Legislature of that State.

Mr. J. concluded, by expressing a hope that, in offering these brief views, he had not trespassed on the rules of the Senate. The remarks he had offered were not for the pleasure of talking, but were drawn from him by a sense of duty—believing that the importance of the subject demanded the early attention of Congress.

WEDNESDAY, December 11.

JAMES D'WOLF, from the State of Rhode Island and Providence Plantations, attended this day.

Mr. TALBOT submitted the following motions for consideration:

Resolved, That so much of the President's Message as relates to the repairs, preservation, and superintendence of the national road from Cumberland to Wheeling, be referred to a select committee, with leave to report by bill or otherwise.

Resolved, That that part of the President's Message which recommends the adoption of an amendment to the Constitution of the United States, which shall vest in the Congress thereof, powers adequate to the adoption and carrying into effect a system of internal improvements throughout the Union, be referred to a select committee to consider and report thereon.

The Senate resumed the consideration of the motion of the tenth instant, for instructing the Committee on Public Lands to inquire into the expediency of making further provisions, by law, regulating the leasing and working the lead mines of the United States, and agreed thereto.

On motion, by Mr. LOWRIE, the Message from the President of the United States, together with the accompanying report of the Secretary of War, on the number, value, and position, of the copper mines, on the southern shore of Lake Superior, was referred to the Committee on Public Lands, to consider and report thereon.

Agreeably to notice given, Mr. JOHNSON, of Louisiana, asked and obtained leave to introduce a bill to enable the holders of French, British, and Spanish titles to lands within the State of Louisiana, which have not been recognised as valid by the Government of the United States, to institute proceedings to try the validity thereof, and for other purposes. The bill was read, and passed to the second reading.

The bill concerning the lands to be granted to the State of Missouri for the purposes of education, and for other purposes, was read the second time, and referred to the Committee on Public Lands.

Mr. LLOYD, of Massachusetts, submitted the following motion for consideration:

Resolved, That the Secretary of the Treasury be requested to lay before the Senate a statement, exhibiting the amount, in the aggregate, of the goods, wares, and merchandise, exported from the United States to France, and imported from thence, in each year, from and after the year 1814, to the year 1820; discriminating, in the exports, between articles of the growth, produce, or manufacture of the United States, and those of foreign countries; and, also, stating the national character of the vessels in which such exports and imports have been made.

THURSDAY, December 12.

Mr. BARBOUR presented the petition of Rebecca Hodgson, widow and representative of Joseph Hodgson, deceased, praying the payment of interest on a sum allowed to her. The petition was read, and referred to the Committee of Claims.

On motion, by Mr. BARBOUR, so much of the Message of the President of the United States as respects our relations with foreign nations, was referred to the Committee on Foreign Relations, to consider and report thereon.

Mr. HOLMES, of Mississippi, called up the petition of John M. Whitney, and John Snodgrass, in behalf of the legal representatives of Alexander Montgomery, deceased, praying that a law may be passed, directing a warrant to be issued to them for a quantity of land, in the State of Mississippi, as an indemnity for a like quantity of their land improperly disposed of by the register and receiver of the land office west of Pearl river; and the petition was read, and referred to the Committee on Public Lands.

Mr. RUGGLES presented the petition of Daniel Seward, stating that he purchased a tract of land of the United States, lying in the State of Ohio, and that a part thereof hath been taken from him by judicial process, and praying a reimbursement of the money paid for such part, together with the amount of his costs, and other expenses, in defending the same; the petition was read, and referred to the Committee on Public Lands.

Mr. RODNEY submitted the following motion for consideration:

Resolved, That the Committee on the Judiciary be directed to inquire into the expediency of continuing in force the act, entitled "An act to protect the commerce of the United States, and to punish the crime of piracy;" and, also, of making such further provisions on the subject as may be deemed proper for the security of our citizens, the safety of our commerce, and the punishment of the offence.

The PRESIDENT communicated the petition of Alexander and Sylvester Humphrey, praying indemnification for damages to a wharf, which they had contracted to build for the United States, on Staten Island, as stated in the petition; which was read, and referred to the Committee on Commerce and Manufactures.

The Senate resumed the consideration of the motion of Mr. LLOYD, of the 11th instant, requesting certain information relative to exports and

imports, to and from France; and the same having been modified, was agreed to, as follows:

Resolved, That the President of the United States be requested to cause to be laid before the Senate a statement, exhibiting the amount, in the aggregate, of the goods, wares, and merchandise, exported from the United States to France, and imported from thence, in each year, from and after the year 1814 to the year 1820; discriminating, in the exports, between articles of the growth, produce, or manufacture of the United States, and those of foreign countries; and also stating the national character of the vessels in which such exports and imports have been made.

Mr. EATON called up the petition, presented at the last session of Congress, of the executors of the last will and testament of Thomas Carr, of Georgia, deceased, praying compensation for certain land. The petition was read, and referred to the Committee on Public Lands.

Mr. D'WOLF gave notice that he should, on Monday, ask leave to introduce a bill to allow a drawback on the exportation of cordage manufactured in the United States from foreign hemp.

Mr. PARROTT, agreeably to notice which he had previously given, and having obtained leave, introduced a bill to authorize the purchase of five hundred and fifty copies of the sixth volume of the digested Laws of the United States, published by Davis & Force; and the bill was read.

The resolution yesterday submitted by Mr. TALBOT, to refer to a select committee so much of the President's Message as relates to the repair and preservation of the Cumberland Road, was taken up and agreed to; and Messrs. TALBOT, EDWARDS, MILLS, RODNEY, and KING, of New York, were chosen the committee.

The second resolution, submitted yesterday by Mr. TALBOT, was also agreed to.

On motion of Mr. BARTON, that part of the President's Message which relates to the lead mines of the United States, was referred to the Committee on the Public Lands.

Mr. JOHNSON, of Louisiana, submitted the following resolution for consideration:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of modifying the Judiciary system of the United States so as to make it uniform throughout the Union, by establishing circuit courts in the new States.

Mr. HOLMES, of Maine submitted the following resolution for consideration:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of providing by law for the better security of the public moneys in the hands of clerks of courts and attorneys, marshals, and their deputies.

SUPPRESSION OF PIRACY.

Mr. PLEASANTS, from the Committee on Naval Affairs, reported the following bill, which was twice read by general consent:

Be it enacted, &c., That, for the purpose of enabling the President of the United States to afford more efficient protection to the commerce of the United States, from the depredations of pirates in the Gulf of Mexico and the West India seas, the sum of —— dollars is hereby appropriated, to be paid out of any money in the Treasury, not otherwise appropriated; which sum shall be used by the President in providing such an additional force as in his judgment shall be best calculated to answer the end aforesaid.

[Accompanying this bill, Mr. PLEASANTS laid before the Senate a communication from the Secretary of the Navy to the Chairman of the Naval Committee, furnishing estimates of the additional force deemed necessary for the suppression of piracy, and the expense thereof. The Secretary, having the concurring opinion of the Navy Board in its favor, recommends an additional force, of

First, 1 steamboat of 90 to 120 tons, to carry two 18 pounders, and two 12 pounders, upon travelling carriages, so as to fire from any part of the vessel. Second, 10 fast sailing schooners, of 45 to 60 tons burden, to draw not more than 5 to 7 feet water; each to be armed with one long 12 or 18 pounder, mounted on a circle, with two 12 pound carronades, with the necessary number of small arms; to row from 20 to 24 sweeps: and, Third, 5 light double bark cutters, each to row 20 oars, and adapted to carry 40 men, well armed with muskets, pistols, boarding pikes, cutlasses, &c.

The whole cost of procuring these additional vessels and of equipping and fitting them for service, is estimated at $44,000.]

Mr. JOHNSON, of Kentucky, and Mr. LLOYD, of Massachusetts, respectively, gave notice that they should ask leave, on Monday, to introduce bills, the former a bill for the relief of George Shannon, and the latter a bill for the relief of Walley and Foster.

MONDAY, December 16.

The PRESIDENT communicated a letter from JAMES PLEASANTS, notifying the resignation of his seat in the Senate, which was read.

On motion, by Mr. BARBOUR, the President was requested to notify the Executive of the State of Virginia of this resignation.

Mr. LOWRIE, from the Committee on Finance, to which the subject was referred, reported a bill for the relief of Samuel H. Walley and Henry G. Foster; and the bill was read, and passed to the second reading.

Mr. HOLMES, of Maine, from the same committee, to whom the subject was referred, reported a bill for the relief of Jacob Babbitt; and the bill was read, and passed to the second reading.

Agreeably to notice given, Mr. D'WOLF asked and obtained leave to introduce a bill allowing a drawback on the exportation of cordage manufactured in the United States from foreign hemp; and the bill was read, and passed to the second reading.

Agreeably to notice given, Mr JOHNSON, of Kentucky, asked and obtained leave to introduce a bill for the benefit of George Shannon. The bill was read, and passed to the second reading.

Mr. RODNEY presented the memorial of Benjamin I. Shain, master of the schooner Ajax, stating that, whilst at the Havana, an unprovoked and murderous outrage and robbery was committed on the person and property of the memorialist and

others, and praying the efficient interposition of Government. The memorial was read, and referred to the Committee on Foreign Relations.

Mr. FINDLAY presented the petition of Watson Atkinson, praying that the duty on the importation of square iron wire may be reduced to fifteen per centum ad valorem. The petition was read, and referred to the Committee on Commerce and Manufactures.

Mr. JOHNSON, of Louisiana, presented the petition of Alexander A. White, of Louisiana, praying the right of pre-emption to a tract of land on which he has settled, and erected improvements. The petition was read, and referred to the Committee on Public Lands.

Mr. JOHNSON also called up the petition of Marie Louise de la Gautrois, widow of François Gonsonlin, deceased, praying the confirmation of her title to a tract of land in Louisiana. The petition was read, and referred to the same committee.

Mr. RODNEY called up the petition, heretofore presented, of Joseph Forrest, of the City of Washington, praying compensation for the loss of a certain schooner, called the William Yeaton, chartered in the month of May, 1812, to the agent of the United States, to take a cargo of provisions from New York to Laguira, which was seized and condemned by the Spanish Government. The petition was read, and referred to the Committee of Claims.

On motion, by Mr. WILLIAMS, of Mississippi, a member was added to the Committee on Naval Affairs, in the place of Mr. PLEASANTS; and Mr. MACON was appointed.

Mr. RUGGLES, from the Committee of Claims, to which was referred the petition of Joseph Janney, made a report, accompanied by a resolution, that the prayer of the petitioner ought not to be granted.

Mr. D'WOLF presented the memorial of Stephen T. Northam, and others, of Newport, Rhode Island, merchants and distillers, praying that the duties which accrued and were paid by them for their distillery, whilst its operations were suspended in consequence of the injury sustained by the inundation of the 23d of September, 1815, may be remitted. The memorial was read, and referred to the Committee on Finance.

The Senate resumed the consideration of the motion of the 12th instant, for directing the Committee on the Judiciary to inquire into the expediency of making further provisions by law for the suppression of piracy, and agreed thereto.

The Senate resumed the consideration of the motion of the 12th instant, for instructing the Committee on the Judiciary to inquire into the expediency of modifying the judicial system of the United States, and agreed thereto.

The Senate resumed the consideration of the motion of the 12th instant, for instructing the Committee on the Judiciary to inquire into the expediency of providing by law for the better security of public moneys in the hands of clerks of courts, and attorneys, marshals, and their deputies, and agreed thereto.

The bill to enable the holders of the French, British, and Spanish titles to land within the State of Louisiana, which have not been recognised as valid by the Government of the United States, to institute proceedings to try the validity thereof, and for other purposes, was read the second time, and referred to the Committee on Public Lands.

Mr. CHANDLER presented the petition of Amos Nicholls, of the State of Maine, praying compensation for seven months' services as a clerk in the Navy Department, in the years 1818 and 1819. The petition was read, and referred to the Committee of Claims.

Mr. HOLMES, of Maine, laid on the table resolutions, referring, to the appropriate committees, such parts of the President's Message at the opening of the session, as relate, 1st. To the Commercial Intercourse with the British West Indies, &c.; 2d. The Territorial Government of Florida; 3d. To the Finances; 4th. To the Military Establishment, Fortifications, and the Military Academy; 5th. To Naval Affairs; 6th. To Indians; 7th. To Manufactures; and 8th. To the Independent Governments in America south of the United States.

The PRESIDENT communicated the petition of Joshua Clark, of Missouri, alleging that he has been unjustly deprived of his wages, as a mariner, by William Lee, late Consul of the United States at Bordeaux, and praying indemnification. The petition was read, and referred to the Committee of Claims.

The bill to authorize the purchase of a number of copies of the sixth volume of the Laws of the United States, was read the second time, and referred to the Committee on the Judiciary.

Mr. MACON presented the petition of A. F. Macneill, of the State of North Carolina, praying relief in the settlement of his accounts with the Treasury Department. The petition was read, and referred to the Committee of Claims.

Mr. JOHNSON, of Kentucky, gave notice that to-morrow he should ask leave to introduce a bill for the release of Amos Muzzy and Benjamin White from imprisonment.

SUPPRESSION OF PIRACY.

The Senate, according to the order of the day, took up, as in Committee of the Whole, the bill making an appropriation of —— dollars "for the purpose of enabling the President of the United States to afford more efficient protection to the commerce of the United States from the depredations of pirates in the Gulf of Mexico and the West India seas, by providing such additional force as in his judgment shall be best calculated to answer that end."

The Senate had made some progress in the consideration of this bill, and had adopted one or two verbal amendments to it, when

The bill which passed the House of Representatives on Friday last, on the same subject, was brought up by the Clerk of that House for the concurrence of the Senate.

On motion of Mr. BARBOUR, (who thought it

best, before the Senate proceeded further with their own bill, that they should see what course the other House had adopted on this subject,) the Senate laid their own bill on the table, and took up the bill of the House of Representatives.

This bill was then twice read, by general consent, and the Senate proceeded to its consideration in Committee of the Whole.

[The bill of the House of Representatives provides, "That the President of the United States be, and he hereby is, authorized to purchase or construct a sufficient number of vessels, in addition to those now employed, of such burden and construction as he may deem necessary, and to fit, equip, and man the same for immediate service, for the purpose of repressing piracy, and of affording effectual protection to the citizens and commerce of the United States in the Gulf of Mexico, and the seas and territories adjacent; and that the sum of —— dollars be appropriated to meet the expenditure to be incurred as aforesaid, and paid out of any money in the Treasury, not otherwise appropriated."]

The bill having been read through—

Mr. BARBOUR rose to move that the bill of the Senate be substituted for that of the House of Representatives, by adopting it as an amendment thereto. He was of opinion that the bill of the Senate was preferable to the other, in the plan which it proposed for adoption. The bill of the other House, he said, appropriated the fund proposed to be applied to the object to specific purposes, leaving no discretion with the Executive in its application; whereas, the bill of the Senate left, as it ought to leave, the appropriation of the money to the President's discretion, without any control or limitation of that sort. In all warlike objects he thought it was consistent with the theory of our Government, to leave the application of money, except in cases of great urgency, to the discretion and judgment of the Executive. Congress could not anticipate the various phases which might arise, and could not judge what might be the most judicious mode of applying the appropriation to attain the object in view. The theory of the Constitution preferred that the means be placed in the hands of the President, who is responsible to the nation for the application of the money and the mode of conducting the defence of the country, or other warlike measures. He, for this reason, thought it expedient to adopt the bill of the Senate in preference to that of the other House. Mr. B. said he had observed that it had been questioned elsewhere, [alluding obviously to the debate which had taken place in the House of Representatives on Friday,] how far the power of the President reached in the punishment of those bucaniers; and although there was perhaps no necessity for introducing in the bill any instructions to the Executive on this point, he had no hesitation in avowing it as his opinion, that pirates might be pursued and seized in a neutral territory. Mr. B. would not say that our officers might go into a neutral territory in search of those outlaws; but he had no doubt, in the heat of pursuit, they might be followed and punished in the territory of a neutral Power. The principle he took to be the same as that which prevailed in municipal regulations. You may not of right go into the grounds of a neighbor to start the chase; but, having started it elsewhere, you may pursue it into your neighbor's limits. Mr. B. did not believe any nation or any authority would feel itself aggrieved by having those freebooters pursued within its jurisdiction for punishment, or could so far sympathize with such atrocious beings as not to rejoice in their extermination—beings who were *hostes humani generis*—who bore the mark of Cain upon their foreheads—whose hand was raised against every man—who, therefore, deserved death at every man's hand, and whom it was just and proper to exterminate wheresoever they could be found. He concluded, by hoping the Senate would agree to his motion to take its own bill in preference to that of the other House.

Mr. CHANDLER thought it of importance to act with the greatest degree of promptitude on this subject; that as he did not see any material difference between the two bills, and the adoption of the Senate's bill in preference to the other would produce a delay of at least one day, (as it would be necessary to send the substitute to the other House for concurrence,) he should vote against the amendment.

Mr. BROWN, of Louisiana, could not perceive between the two bills any essential difference. One contained a simple appropriation authorizing the President to build or purchase additional vessels to put down piracy; the other appropriated the money, leaving the details of its application with the Executive. There was in this, no difference sufficient to justify delay, and he should regret to see any created by an unnecessary amendment.

Mr. HOLMES, of Maine, recited the provisions of the two bills to show that there was no substantial difference between them; and he thought it was hardly worth while to send the bill back to the House of Representatives for the trifling difference in form which existed. The President would have the same powers substantially, in one case, as the other, and would no doubt, under either, adopt the course he should think best to accomplish the object in view.

Mr. BARBOUR remarked that he had intended to express to the Senate his willingness, if it should be deemed necessary, to insert a clause in the bill authorizing the Executive to pursue the bucaniers whithersoever they might fly; because he believed it would be right and lawful to do so; but he did not know that such an instruction was necessary. He proceeded further to justify his preference of the bill of the Senate to that from the other House; he believed there was a substantial and material difference between them, rendering the one more expedient than the other, and asked if four-and-twenty hours could be so important a delay as to induce the Senate to adopt an exceptionable bill merely to save that much time? In one of those bills the President was peremptorily directed to build or purchase additional vessels, and if it should appear to the President that the object

could be arrived at more promptly by any other course, he would not be permitted to depart from the strict regulations of the law. By the bill of the Senate all the power was conferred on the Executive, without limiting him as to the mode by which he might afford additional protection to our commerce against the pirates. This being, in his view, an important difference—the difference between specific and general powers—he hoped the Senate would adopt their own bill, instead of the one under consideration.

Mr. HOLMES, of Maine, rejoined, that the House bill could mean nothing different from what was intended by the Senate's bill. The former authorized the President to procure additional naval force—the latter could mean only the same thing, unless, indeed, it was thought practicable for the President to send the Army or the militia out against the pirates; but as it was not probable the Executive would think of ordering either the Army or the militia out on this service, the bill of the Senate could authorize nothing else than naval force, though it did not expressly say so. The House bill merely specified what the Senate's bill intended, and could only produce; and as it would save time to pass the former, he hoped the amendment would not be agreed to.

The question was then taken on Mr. BARBOUR's motion to substitute the Senate's bill for that of the other House, and was decided in the negative —ayes 15, noes 22.

The bill was then reported to the Senate without amendment, ordered to a third reading by general consent; and

On motion of Mr. BARBOUR, it was read a third time, without objection, passed, *nem. con.* and returned to the other House.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act supplementary to 'An act relating to the ransom of American captives of the late war;" a bill, entitled "An act to enable the proprietors of lands, held by titles derived from the United States, to obtain copies of papers from the proper department, and to declare the effect of such copies;" a bill, entitled "An act to repeal the third section of the act, entitled 'An act supplementary to an act, entitled 'An act concerning navigation;" and, also, a bill, entitled "An act authorizing an additional naval force for the suppression of piracy;" in which bills they request the concurrence of the Senate.

The said four bills were read, and severally passed to the second reading.

TUESDAY, December 17.

SAMUEL SMITH, appointed a Senator by the Legislature of the State of Maryland, in place of WILLIAM PINKNEY, deceased, produced his credentials, and he took his seat in the Senate.

MONTFORT STOKES, from the State of North Carolina; and, also, WILLIAM R. KING, from the State of Alabama, severally attended this day.

Mr. HOLMES, of Maine, presented the petition of Joseph Emerson, in behalf of himself and others, praying indemnification for the loss of a vessel and cargo, captured and condemned in the year 1796, under a decree of the French Government, in violation of the laws of nations and the terms of the treaty between the United States and France. The petition was read, and referred to the Committee on Foreign Relations.

Mr. RUGGLES, from the Committee of Claims, to which the subject was referred, reported a bill for the relief of John Byers, accompanied by a report. The bill and report were read, and the bill passed to the second reading.

Mr. VAN DYKE, from the Committee on Public Lands, to which was referred the petition of John M. Whitney and John Snodgrass, in behalf of the legal representatives of Alexander Montgomery, deceased, reported a bill for the relief of the heirs and representatives of Alexander Montgomery, deceased. The bill was read, and passed to the second reading.

Mr. VAN DYKE, from the same committee, to which was referred the petition of Nicholas Ware and William A. Carr, executors of Thomas Carr, deceased, made a report, accompanied by a bill for the relief of the representatives of John Donelson, Thomas Carr, and others. The report and bill were read, and the bill passed to the second reading.

The Senate resumed the consideration of the motions of the 16th instant, for referring to various committees the Message of the President of the United States, and agreed thereto.

The Senate resumed the consideration of the report of the Committee of Claims, to which was referred the petition of Joseph Janney, of Virginia; and, in concurrence therewith, resolved that the prayer of the petitioner ought not to be granted.

The bill entitled "An act supplementary to 'An act relating to the ransom of American captives of the late war," was read the second time, and referred to the Committee on Military Affairs.

The bill entitled "An act to enable the proprietors of lands held by titles derived from the United States, to obtain copies of papers from the proper department, and to declare the effect of such copies," was read the second time, and referred to the Committee on Public Lands.

The bill entitled "An act to repeal the third section of the act entitled 'An act supplementary to an act entitled 'An act concerning navigation," was read the second time, and referred to the Committee on Foreign Relations.

Mr. MILLS called up the petition, heretofore presented, of Samuel F. Hooker, of New York, praying compensation for certain naval supplies; and, also, another petition of the said petitioner, praying indemnification for property captured by the British during the late war, which capture was occasioned by his vessel having received supplies intended for the American Army at Fort George. The petitions were severally read, and respectively referred to the Committee of Claims.

Agreeably to notice given, Mr. JOHNSON, of Kentucky, asked and obtained leave to introduce a bill for the release of Amos Muzzy and Benja-

min White, from imprisonment. The bill was twice read, by unanimous consent, and referred to the Committee on the Judiciary.

WEDNESDAY, December 18.

Mr. WILLIAMS, of Tennessee, submitted the following motion for consideration:

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of authorizing the State of Tennessee to sell, on such terms as the Legislature of said State may think proper, all the vacant land lying east and north of the line described in the first section of the act of Congress, passed the 18th April, 1806, entitled "An act to authorize the State of Tennessee to issue grants and perfect titles to certain lands therein described, and to settle the claims to the vacant and unappropriated lands within the State of Tennessee."

Mr. WARE submitted the following motion for consideration:

Resolved, That the Military Committee inquire into the expediency of providing by law for the final settlement of the militia claims of the State of Georgia, for services rendered, under orders of the President of the United States, during the years 1792, 1793, and 1794.

Mr. LOWRIE presented the petition of Richard O'Brien, praying that his accounts, as Consul General at Algiers, may be settled upon principles of equity and justice, with a reference to the customs and usages in the Barbary States. The petition was read, and referred to the Committee of Claims.

Mr. VAN DYKE, from the Committee on Public Lands, to which was referred the bill concerning the lands to be granted to the State of Missouri, for the purposes of education, and for other public uses, reported the same without amendment.

Mr. BROWN, of Ohio, submitted the following motion for consideration:

Resolved, That a standing committee of five members be appointed on the subject of Roads and Canals.

On motion by Mr. VAN DYKE, the Committee on Public Lands, to which was referred the bill entitled "An act to enable the proprietors of lands, held by titles derived from the United States, to obtain copies of papers from the proper department, and to declare the effect of such copies," were discharged from the further consideration thereof, and it was referred to the Committee on the Judiciary.

The bill allowing a drawback on the exportation of cordage manufactured in the United States, from foreign hemp, was read the second time, and referred to the Committee on Commerce and Manufactures.

The bill for the relief of Samuel H. Walley and Henry G. Foster was read the second time.

The bill for the relief of Jacob Babbitt was read the second time.

The bill for the benefit of George Shannon was read the second time, and referred to the Committee on Pensions.

Mr. JOHNSON, of Kentucky, presented the petition of George Shannon, of Lexington, Kentucky, praying an increase of pension. The petition was read, and referred to the same committee.

Mr. BARBOUR gave notice that to-morrow he should ask leave to introduce a bill to extend the charter of the Mechanics' Bank of Alexandria, in the District of Columbia.

The bill for the relief of John Byers was read the second time.

The bill for the relief of the representatives of John Donelson, Thomas Carr, and others, was read the second time.

The bill for the relief of the heirs and representatives of Alexander Montgomery, deceased, was read the second time.

Mr. LLOYD, of Massachusetts, presented the memorial of William Pearce, and others, inhabitants of the town of Gloucester, in the State of Massachusetts, praying the aid of the General Government in the removal of the obstruction to the navigation between Ipswich Bay and Boston Bay. The memorial was read, and referred to the Committee on Commerce and Manufactures.

Mr. KING, of Alabama, submitted the following motion for consideration:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of allowing to the State of Alabama three representatives, in conformity with the second section of the act entitled "An act for the apportionment of Representatives among the several States, according to the fourth census."

THURSDAY, December 19.

Mr. D'WOLF, from the Committee on Commerce and Manufactures, to which was referred the bill allowing a drawback on the exportation of cordage manufactured in the United States, from foreign hemp, reported the same without amendment.

Mr. JOHNSON, of Louisiana, presented the petition of Samuel Hodgson, of the city of Philadelphia, who became, in the year 1804, one of the sureties of John Smith, of the State of Ohio, as contractor for supplying with provisions the United States troops, on or about the Mississippi, praying the interposition of Congress for relief, in the settlement of said Smith's accounts. The petition was read, and referred to the Committee of Claims.

The following resolution, submitted yesterday by Mr. KING, of Alabama, was taken up:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of allowing to the State of Alabama three Representatives, in conformity with the second section of the act, entitled "An act for the apportionment of Representatives among the several States, according to the fourth census."

Mr. K. read to the Senate the section referred to, and adverted to the additional return that had been made from Alabama, to show the propriety of the proposed inquiry.

The resolution was agreed to.

Mr. HOLMES, of Maine, called up the petition of George Ulmer, presented at the last session of

Congress, who had the command of the United States' troops and volunteers at Eastport, in the year 1813, praying compensation for certain ordnance taken from the enemy, as stated in the petition; which was read, and referred to the Committee on Naval Affairs.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act to provide for clothing the militia, when called into the service of the United States;" and also a bill, entitled "An act concerning the disbursement of public money;" in which bills they request the concurrence of the Senate.

The Senate resumed the consideration of the motion of the 18th instant, for instructing the Committee on Public Lands to inquire into the expediency of authorizing the State of Tennessee to sell certain vacant land, and agreed thereto.

The Senate resumed the consideration of the motion of the 18th instant, for instructing the Committee on Military Affairs to inquire into the expediency of providing by law for the final settlement of the militia claims of the State of Georgia, for services rendered under orders of the President of the United States, during the years 1792, 1793, and 1794, and agreed thereto.

Mr. RUGGLES, from the Committee of Claims, made an unfavorable report on the petition of Rebecca Hodgson, (who prays that interest may be granted to her, on the long-standing claim which was allowed to her by an act of last session;) and the report was read, and agreed to.

In courtesy to Mr. BARBOUR, (who being in the minority yesterday on the question, of course could not make the motion,) Mr. RUGGLES moved a reconsideration of the vote by which the report of the Committee of Claims, unfavorable to the petition of Joseph Janney was agreed to; and the reconsideration was agreed to, leaving the question open to future decision. [Mr. Janney prays compensation for buildings and other property destroyed by the enemy, during the late war, in consequence of its occupancy by militia.]

Mr. JOHNSON, of Kentucky, submitted the following motion for consideration:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of erecting a national armory on the Western waters.

Mr. WILLIAMS, of Tennessee, called up the petition, heretofore presented, of Robert Purdy, late colonel in the military service of the United States, praying remuneration for certain expenditures incurred by him in performance of his duties in endeavoring to enforce his order prohibiting the introduction of spirituous liquors within the limits of his encampment, as stated in the petition; which was read, and referred to the Committee on Military Affairs.

The bill concerning the lands to be granted to the State of Missouri, for the purposes of education and other public uses, was considered in Committee of the Whole, and ordered to be engrossed for a third reading.

The bill for the relief of Jacob Babbitt, of Rhode Island, [to release him four years' interest on two custom-house bonds given for duties on certain sugars destroyed by a storm and inundation in September, 1815, provided he pay the principal of said bonds,] was examined in Committee of the Whole, and ordered to be engrossed for a third reading.

The Senate took up, in Committee of the Whole, the bill for the relief of Walley and Foster, [authorizing the issue to them of certain certificates of debenture, which are withheld by reason of an accidental legal informality.]

Mr. LLOYD, of Massachusets, explained the circumstances of the case, and the grounds on which the petitioners were entitled to relief; and the bill was ordered to be engrossed for a third reading.

The bill for the relief of John Byers was next taken up. [The bill proposes to allow to the petitioner the difference between the par value of moneys advanced by the Government, and such as were expended by him in the supply of rations in Connecticut, &c., from June, 1814, to May, 1815, and confining the allowance to the actual loss in exchange.]

On this bill a pretty wide debate took place, embracing the general question of the equity of indemnity for losses incurred in time of war; the circumstances of this particular case to justify its being made an exception to the customary rules, &c. Messrs. RUGGLES, HOLMES of Maine, MORRIL, LANMAN, BROWN of Ohio, BROWN of Louisiana, VAN BUREN, and CHANDLER, took part in the debate. But, before any question was taken on it, the bill was laid over to Monday, for the purpose of having the report of the committee printed.

Mr. BARBOUR presented the petition of James Lloyd, of Virginia, praying compensation for certain services rendered, and expenses incurred, in testing the utility of an inflammable liquid, of which he was the inventor, and the knowledge of which he had been induced to surrender to Government. The petition was read, and referred to the Committee of Claims.

Mr. JOHNSON, of Louisiana, submitted the following motion for consideration:

Resolved, That the Commissioner of the General Land Office be directed to lay before the Senate the reports of the commissioners appointed under the different acts of Congress providing for the adjustment of land claims in the Territory of Orleans and State of Louisiana.

MECHANICS' BANK OF ALEXANDRIA.

Mr. BARBOUR, agreeably to the notice he had given, asked leave to introduce a bill to extend the charter of the Mechanics' Bank of Alexandria.

In answer to a remark which had dropped from some gentleman, Mr. BARBOUR stated succinctly the reasons which had induced him to support this bill at the last session, and which he thought would justify its passage, unless some objections which had been made, in reference to its administration, should be substantiated, in the examination which the committee would doubtless make into the matter. The other banks of the District

had been continued, by renewals, to the period when the existing charter of the United States Bank should terminate. Mr. B. himself had proposed that particular period for them, because the whole subject would then come up together, and those who followed, in the guidance of public affairs, would be able to determine, by the lights which experience should then have shed on the subject, whether those institutions had been conducive to the public weal or not, and decide on all that Congress have authorized at the same time. Amongst the rest of them, he thought the Mechanics' Bank ought to be extended to the common term, if no facts should be disclosed to forbid it.

The leave being granted, the bill was read the first time, and the second time *pro forma*; and, on motion of Mr. BARBOUR, was then referred to the District Committee.

ROADS AND CANALS.

The Senate proceeded to the consideration of the following resolution, submitted yesterday by Mr. BROWN, of Ohio:

Resolved, That a standing committee of five members be appointed on the subject of Roads and Canals.

Mr. BROWN proposed to modify his resolution, so as to make it one of the standing rules of the Senate, to appoint at the commencement of every session a standing committee on the subject of Roads and Canals. He adverted to the increasing interest, as well as the importance of internal improvements, particularly to the interior of the Republic, which was rapidly settling and filling up, to justify that subject being now considered one of the great interests of the nation, and, as such, entitled to a regular standing committee for it.

Mr. KING, of New York, questioned the expediency of ingrafting this unsettled subject on the standing rules of the Senate, although it might be very proper to create, from time to time, a committee on it. He was therefore averse to the modification.

Mr. BROWN would not press the change which he had proposed, as it seemed to be not entirely acceptable to the Senate, and would content himself with the resolution, as originally proposed, except so far as to insert the word *select* for "standing" committee; which alteration was agreed to; and in that shape the resolution was adopted.

FRIDAY, December 20.

The following engrossed bills, ordered yesterday to be read a third time, were severally read a third time, passed, and sent to the House of Representatives for concurrence, viz: A bill concerning the lands to be granted to the State of Missouri for the purposes of education, and other public uses; a bill for the relief of Walley and Foster; and a bill for the relief of Jacob Babbitt.

The Senate resumed the consideration of the motion of the 19th instant, requiring the Commissioner of the General Land Office to lay before the Senate the reports of the commissioners appointed under the acts of Congress providing for the adjustment of land claims in the late Territory of Orleans and State of Louisiana, and agreed thereto.

The Senate resumed the consideration of the report of the Committee of Claims, on the petition of Joseph Janney; and it was ordered to lie on the table.

The two bills brought up yesterday for concurrence were read, and severally passed to the second reading.

The Senate resumed the consideration of the motion of the 19th instant, for instructing the Committee on Military Affairs to inquire into the expediency of erecting a national armory on the Western waters, and agreed thereto.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of the representatives of John Donelson, Thomas Carr, and others; and, on motion, by Mr. WILLIAMS, of Mississippi, the further consideration thereof was postponed until Monday next.

The Senate resumed, as in Committee of the Whole, the consideration of the bill allowing a drawback on the exportation of cordage manufactured in the United States from foreign hemp; and the further consideration thereof was postponed to, and made the order of the day for, Monday next.

Mr. BARTON, from the Committee of Claims, reported a bill for the relief of Ebenezer Stevens, and others, which was read.

The bill for the relief of the representatives of Alexander Montgomery, deceased, passed through a Committee of the Whole, and was ordered to be engrossed for a third reading.

The Senate then proceeded to the appointment of a committee on the subject of roads and canals, in pursuance of the resolution adopted yesterday, and Messrs. BROWN of Ohio, KING of New York, SMITH of Maryland, JOHNSON of Kentucky, and RODNEY, were appointed.

Mr. TALBOT, from the select committee appointed on that subject, reported a bill making an appropriation (in blank) for repairing the national road from Cumberland to Wheeling; the bill was read.

Mr. JOHNSON, of Kentucky, in submitting the following resolution, observed that the information it proposed to call for was necessary to enable the Committee on Military Affairs to proceed understandingly in the inquiry which they were instructed to make into the expediency of establishing an armory on the Western waters; and, as it was desirable to enable the committee to commence that inquiry as early as practicable, he deemed it proper to submit the resolution, which he now laid on the table:

Resolved, That the President of the United States be requested to cause to be laid before the Senate the number of arms required annually to supply the militia of the West, according to the acts of Congress, the probable number necessary to be placed in the military deposites located or to be located on the Western waters; the cost of transportation of arms to the Western States and deposites; the probable cost of manufacturing arms in the West; the probable cost

of erecting, at this time on the Western waters, such an armory as that at Harper's Ferry or at Springfield; and such other information as he may deem important to establish the expediency or inexpediency of erecting a National Armory.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act for the relief of William Sayles;" and, also, a bill, entitled "An act to repeal part of an act passed by the State of Maryland in the year 1784, and now in force in Georgetown, in the District of Columbia, entitled 'An act for an addition to Georgetown, in Montgomery county;" in which bills they request the concurrence of the Senate.

The said two bills were read, and severally passed to the second reading.

Adjourned to Monday.

MONDAY, December 23.

Mr. WILLIAMS, of Tennessee, from the Committee on Military Affairs, to which was referred the petition of Robert Purdy, made a report, accompanied with a bill for the relief of Robert Purdy; and the report and bill were read, and the bill passed to the second reading.

Mr. LANMAN presented the petition of Frederick Pearl, praying a pension, agreeably to the provisions of the act of 1818. The petition was read, and referred to the Committee on Pensions.

Mr. LOWRIE presented the petition of John Welsh, a Revolutionary soldier, praying that his name may be restored to the pension roll; and, also, the petition of George Byers, a soldier of the Revolution, praying a pension, agreeably to the act of 1818. The petitions were read, and referred to the same committee.

Mr. RUGGLES presented the petition of Thomas Haley, a soldier of the Revolution, praying a pension. The petition was read, and referred to the same committee.

Mr. JOHNSON, of Louisiana, presented the petition of Richard S. Chappell, praying compensation for certain supplies furnished the Army of the United States. The petition was read, and referred to the Committee of Claims.

Mr. KING, of Alabama, presented the petition of James Shackelford, and others, praying the pre-emption to a quarter section of land, for public uses, in the county of Perry, in the State of Alabama; and, also, the petition of Jacob Lindsay, and others, citizens of Marengo county, in the State of Alabama, praying the right of pre-emption to a quarter section of land, for the purpose of erecting thereon a courthouse and prison. The petitions were read, and referred to the Committee on Public Lands.

Mr. JOHNSON, of Kentucky, submitted the following motion for consideration:

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of extending the time for locating Virginia military land warrants, and returning surveys thereon to the General Land Office.

Mr. NOBLE submitted the following motion for consideration:

Resolved, That the select committee on roads and canals be instructed to inquire into the expediency of modifying the act of Congress, entitled "An act to authorize the appointment of commissioners to lay out the road therein mentioned," in such manner that the road named in the said act shall be laid out through Columbus, Indianopolis, and Vandalia, the seats of government of the States of Ohio, Indiana, and Illinois; and to inquire, also, into the expediency of making a further appropriation for the purpose of completing the location of said road.

Mr. DICKERSON, from the Committee on Commerce and Manufactures, to which the subject was referred, reported a bill for the relief of Alexander and Sylvester Humphrey. The bill was read, and passed to the second reading.

On motion of Mr. BARTON, the Committee of Claims, to which was referred the petition of Richard O'Brien, were discharged from the further consideration thereof, and it was referred to the Committee on Foreign Relations.

The Senate resumed the consideration of the motion of Mr. JOHNSON, of Kentucky, the 20th instant, for information relative to the expediency or inexpediency of erecting, on the Western waters, a National Armory, and agreed thereto.

The bill entitled "An act to provide for clothing the militia when called into the service of the United States," was read the second time, and referred to the Committee on the Militia.

The bill entitled "An act concerning the disbursement of public money," was read the second time, and referred to the Committee on Finance.

The bill entitled "An act for the relief of William Sayles," was read the second time, and referred to the Committee on the Judiciary.

The bill entitled "An act to repeal part of an act passed by the State of Maryland, in the year 1784, and now in force in Georgetown, in the District of Columbia, entitled 'An act for an addition to Georgetown, in Montgomery county,'" was read the second time, and referred to the Committee on the District of Columbia.

The bill for the relief of Ebenezer Stevens, and others, was read the second time.

The bill appropriating moneys for the purpose of repairing the national road from Cumberland to Wheeling was read the second time.

The Senate resumed as in Committee of the Whole, the consideration of the bill allowing a drawback on the exportation of cordage manufactured in the United States from foreign hemp; and, on motion by Mr. BARBOUR, it was laid on the table.

JOHN BYERS.

The Senate then again proceeded to the consideration of the bill for the relief of John Byers, on which a debate arose, that continued nearly two hours, and in which a large number of gentlemen joined. The debate turned on the principles heretofore stated, and on the particular facts of this case, to justify or to controvert the propriety of granting the petitioner indemnity for the

depreciation of the funds furnished him by the Government during the late war, for the purchase of provisions, which indemnity he claims under an alleged promise of the then Secretary of War.

After several unsuccessful motions to amend the bill and to recommit it, the bill was ordered to lie on the table; and

Mr. CHANDLER submitted a motion (in pursuance of the suggestions he had made as to the proper mode to be adopted in the case, and intended as a substitute for the bill) "directing the 'proper accounting officers of the Treasury to set-'tle the accounts of John Byers, for rations furnish-'ed the troops of the United States in Connecticut 'and Rhode Island, from the first day of June, '1814, to the 31st of May, 1815, inclusive, accord-'ing to such contract or agreement as did exist be-'tween the Secretary of War and said John Byers, 'prior to furnishing such rations."

The resolution lies on the table with the bill.

TUESDAY, December 24.

Mr. RUGGLES presented the petition of Joshua Russell, of Tyler county, Virginia, praying to be confirmed in his title to a half section of land, in Ohio. The petition was read, and referred to the Committee on Public Lands.

Mr. SMITH, of Maryland, presented the memorial of William Patterson, and others, merchants of the city of Baltimore, praying indemnification for certain vessels sunk in the harbor of that place during the late war with Great Britain. The memorial was read, and referred to the Committee of Claims.

Mr. MILLS presented the petition of Ebenezer Oliver, and others, of the State of Massachusetts, praying indemnity for a quantity of land, their claim to which they released to the United States on the conditions contained in the act "providing for the indemnification of certain claimants," and the acts supplementary thereto, being deprived of the benefits thereof in consequence of the misconstruction of the commissioners respecting their claims. The petition was read, and referred to the Committee on the Judiciary.

Mr. RUGGLES, from the Committee of Claims, to which the subject was referred, reported a bill for the relief of Amos Nichols. The bill was read, and passed to the second reading.

Mr. HOLMES, of Maine, submitted the following motion for consideration:

Resolved, That the President of the United States be requested to communicate to the Senate such information as he may possess, of the commercial relations which now exist between the United States and the present Government of St. Domingo; what is the political condition of the island; whether any European nation pretends to claim the government of the island; and whether any further commercial relations with the existing Government would be consistent with the interest and safety of the United States.

Mr. JOHNSON, of Louisiana, gave notice that, at the next sitting of the Senate, he should ask leave to introduce a bill for the relief of John Buhler.

Mr. NOBLE, from the Committee on Pensions, to which was referred the bill for the benefit of George Shannon, reported the same without amendment.

Mr. BARBOUR, from the Committee on the District of Columbia, to which was referred the bill, entitled "An act to repeal part of an act passed by the State of Maryland, in the year 1784, and now in force in Georgetown, in the District of Columbia, entitled "An act for an addition to Georgetown, in Montgomery county," reported the same without amendment.

The PRESIDENT communicated a letter from the Commissioner of the General Land Office, transmitting, in obedience to the resolution of the Senate, the reports of the commissioners appointed under the different acts of Congress providing for the adjustment of land claims in the late Territory of Orleans, and State of Louisiana. The letter and report were read.

The Senate resumed the consideration of the motion of yesterday, for instructing the Committee on Public Lands to inquire into the expediency of extending the time for locating Virginia military land warrants, and agreed thereto.

The Senate resumed the consideration of the motion of yesterday, for instructing the Committee on the subject of Roads and Canals to inquire into the expediency of modifying the act to authorize the appointment of commissioners to lay out a certain road, and agreed thereto.

The Senate resumed the consideration of the motion of yesterday, relative to the settlement of the accounts of John Byers; and it was laid on the table.

The bill for the relief of Robert Purdy was read the second time.

The bill for the relief of Alexander Humphrey and Sylvester Humphrey was read the second time.

The bill for the relief of the heirs and representatives of Alexander Montgomery, deceased, which had previously been reported correctly engrossed, was read a third time, and passed.

The Senate resumed the consideration of the bill for the relief of John Byers. The bill was amended, on motion of Mr. HOLMES, of Maine, so as to confine the indemnity to the depreciation of Treasury notes advanced by the Government to the petitioner; and the question was then, without further debate, taken on ordering the bill to be engrossed and read a third time, and was decided in the affirmative, as follows:

YEAS—Messrs. Barton, Boardman, D'Wolf, Eaton, Holmes of Maine, Johnson of Kentucky, Johnson of Louisiana, King of New York, Lanman, Lloyd of Massachusetts, Lowrie, Mills, Morril, Noble, Parrott, Ruggles, Smith of Maryland, Talbot, Van Buren—19.

NAYS—Messrs. Barbour, Benton, Brown of Louisiana, Brown of Ohio, Chandler, Dickerson, Findlay, Holmes of Mississippi, King of Alabama, Macon, Palmer, Southard, Stokes, Taylor, Ware, Williams of Missouri, Williams of Tennessee—17.

The PRESIDENT of the Senate communicated a letter from the Secretary of the Treasury, trans-

mitting his annual report of the state of the public finances, which was read.

Also, from the same Department, the annual report of the operations of the Mint, which was read.

DRAWBACK ON CORDAGE.

The Senate took up, as in Committee of the Whole, the bill to allow a drawback on home-manufactured cordage from foreign hemp.

Mr. LLOYD, of Massachusetts, observed that as the gentleman who introduced this bill (Mr. D'WOLF) had intimated that it was the commencement of a system of measures, which Mr. L. conceived was of great importance to the commerce and revenue of the nation, he hoped the gentleman would favor the Senate with the views he entertained and the reasons which demanded the adoption of the measure. Mr. L. suggested, however, the propriety of postponing the further consideration of the subject until Friday, when the Senate would be more full than at present.

Mr. D'WOLF made a few general remarks on the subject of the bill, (reserving himself for a future occasion) and then moved the postponement of the bill to Friday; which was agreed to.

Adjourned to Friday.

FRIDAY, December 27.

Mr. LANMAN presented the petition of Samuel Peters, stating that he has become the purchaser of the claim of the late Captain Carver, to a large body of land at the Falls of St. Anthony, and praying that his title may be confirmed. The petition was read, and referred to the Committee on Public Lands.

Mr. BARBOUR presented the petition of Samuel N. Smallwood, and others, citizens of the District of Columbia, praying an amendment to the laws of the District, so far as to give effect to the judgments rendered therein, in any State or Territory. The petition was read, and referred to the Committee on the Judiciary.

Mr. BARBOUR also presented the memorial of the President and Directors of the Fire Insurance Company of Alexandria, praying that the charter of the Mechanics' Bank of Alexandria may not be extended, or renewed, except on the conditions therein stated. The memorial was read, and referred to the Committee on the District of Columbia.

Mr. SEYMOUR presented the petition of Samuel Buel, of Burlington, praying relief in the settlement of his accounts, as collector of the customs for the district of Vermont. The petition was read, and referred to the Committee on the Judiciary.

On motion of Mr. LOWRIE, fifteen hundred copies of the annual report of the Secretary of the Treasury, on the state of the finances, communicated on the 24th instant, were ordered to be printed for the use of the Senate.

Mr. RODNEY submitted the following resolution for consideration, which was read:

Resolved, That there be added to the rules for conducting business in the Senate the following rule:

"No private bill shall originate in the Senate, after the close of the present session, from the person or persons interested therein, without the unanimous consent of the members present.

Mr. VAN DYKE, from the Committee on Public Lands, to which the subject was referred, reported a bill for the relief of Daniel Seward. The bill was read, and passed to the second reading.

Mr. SOUTHARD, from the Committee on the Judiciary, to which was referred the bill, entitled "An act to enable the proprietors of lands held by titles derived from the United States, to obtain copies of papers from the proper department, and to declare the effect of such copies," reported the same without amendment.

Mr. SOUTHARD, from the same committee, to which was referred the bill, entitled "An act for the relief of William Sayles," also reported it without amendment.

Mr. JOHNSON, of Louisiana, asked and obtained leave to introduce a bill for the relief of John Buhler; and it passed to the second reading.

The bill for the relief of John Byers was read a third time; and, on motion by Mr. VAN DYKE, the further consideration thereof was postponed until Monday.

The Senate resumed the consideration of the motion of the 24th instant, requesting information relative to the present Government of St. Domingo, and agreed thereto.

The bill for the relief of Amos Nichols was read the second time.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act to make perpetual an act, passed the 3d day of March, 1817, entitled 'An act to continue in force an act, entitled 'An act further to provide for the collection of duties on imports and tonnage, passed the 3d day of March, 1815, and for other purposes;" and, also a bill, entitled "An act concerning the apportionment of Representatives in the State of Alabama;" in which bills they request the concurrence of the Senate.

The said two bills were read, and passed to the second reading.

On motion, the bill, entitled "An act concerning the apportionment of Representatives in the State of Alabama," was read the second time by unanimous consent.

DRAWBACK ON CORDAGE.

The Senate resumed, as in Committee of the Whole, the consideration of the bill allowing a drawback on the exportation of cordage manufactured in the United States from foreign hemp.

Mr. D'WOLF rose, and offered the following remarks:

I have made some calculations, Mr. President, as to the good effects of this bill; but, before I go into the consideration of its merits, I am desirous to understand more about the objections to it. I am desirous first, if I can, to obviate those objections; for, although the measure is full of merits, yet, unless the objections be removed, I despair of success. I recollect when the subject was before

the Senate at the last session, the principal objections to it were, "that it would endanger the revenue, by domestic hemp being used, and the drawback obtained from it; and that the money taken from the Treasury for the payment of the drawback, would so far impoverish it." Although the bill strongly guarded the objection, yet gentlemen seemed to be apprehensive that there would be great inducements to obtain the drawback on cordage made of hemp of domestic growth. I assume the ground that it makes no difference to the revenue, whether the cordage which obtains the drawback be made of domestic or foreign hemp, provided the quantity of domestic hemp be not equal to the consumption of the country; for, admitting there should be men so vile as wantonly to be guilty of perjury, when they have no possible interest to advance by it, (for the hemp of domestic growth will cost as much as foreign, if it be as good,) still the one may as well be made use of to obtain the drawback as the other; for if the domestic is used, and obtains the drawback, the foreign will take its place for consumption, and consequently nothing is lost to the revenue. The consumption is not lessened, and all must agree that the consumption of imports is the measure of the revenue. I allow all that is consumed by the warring elements; by fire, by the seas, and by tempest; but I ask that you will not allow your Secretary of the Treasury to anticipate his revenue, by counting on that which is not consumed, by reckoning on bonds taken on the surplus imports; for that which does not go away, and takes the drawback, remains over, and is in the way of his next year's importation; it may as well have gone out of the country, and have taken the drawback, as to have remained in the warehouses of the merchants. Had this surplus been exported, it would have been far better for you; for the vessel which took it away would have returned with another cargo, better suited to your consumption, have given you as much revenue as you paid out in drawback, and the surplus exported would have been out of the way, and left the market to your fresh imports of the same article the next season. For the merchant does not import, nor does the consumer make use of an article merely for the sake of filling your Treasury. When the home production of hemp shall exceed the consumption, and you find your exporters of cordage obtaining more for drawback than you receive for duties on imported hemp, then, indeed, it may be time to repeal your drawback law. If this was a bill to grant drawback on goods manufactured of foreign cotton, to the amount of the duties received on the raw material, then the objection would be a serious one. Such a law would require all the vigilance of your custom-house officers. But this is not the case I have to meet. It is well known that the domestic growth of the article of hemp does not near equal the consumption. I am quite sure it would not be extravagant to say, that we import forty-nine fiftieths of the hemp we consume. The small quantity of growth in this country can offer no inducement to evade the law; and if any should be found so base, still we should be safe, for it would cause no diminution of the quantity consumed; that imported would take the place of the domestic thus exported, and the duties on the imported would make good to the revenue what the domestic took away in drawback. If the distillers and sugar refiners were to manufacture all the sugar and molasses produced in Louisiana, export it, and receive the drawback, still the Treasnry would not suffer, if the consumption was not lessened; the tempest would sweep away as much, and people would consume as much as if there were no allowance of drawback on exportation. This is a position founded in common sense, and one from which I think I cannot be driven.

I recollect that the gentleman from Kentucky expressed a wish, at the last session, that the word "foreign" were stricken out of the bill. Gentlemen had seemed to think, if the bounty were allowed at all, it should least of all be withheld from the article of our own growth. I believe such an alteration in the terms of the bill would be of no advantage to our growers of hemp, and would embarrass the form of the law. It might become important when the growth exceeded the consumption, because it would then be necessary to see that the amount of drawback paid did not exceed the duties on the imports. I think the growers of hemp cannot complain of the want of encouragement, as the present protection furnished them amounts to about seventy per cent. The duties on foreign hemp being thirty dollars per ton, the freight thirty dollars, and other expenses ten dollars, with this advantage, they could surely compete with the foreign article. I think it has been proved that there could be no loss to the Treasury. If you import one thousand boxes of sugar, and enter it for exportation immediately, still you have got the bond for the duties—and the drawback only cancels those bonds—there is no loss to the Government, in the transaction; there could be no inducement to take the false oath before the collector, because the domestic article, if of good quality, would cost as much as the foreign; no man would perjure himself without some hope of gain by it. I consider this bill as very important; the policy and principles contained in it are not new. It is more than twenty years, I believe, that the drawback has been allowed on rum distilled from foreign molasses. The objects of the system are to encourage labor, increase the exports of the country, and thereby to extend our commerce—all which objects must be advantageous to the revenue. The committee that reported the bill thought it prudent to proceed by inches, and include in it but one article of raw material. If the principle shall be found correct, I can see no good reason for stopping here; this is all I meant in alluding the other day to a system I wished to pursue. I take it for granted that the labor and skill of the people are the means for common wealth, and, of course, for revenue, and that it is proper for Congress to legislate for the promotion of both. It has been my lot to be always with laboring people of many descriptions, and the great object with us has been to keep all hands at work at the most profitable business. To

say that we legislate too much, or that too much regulation is improper, is a mere truism; there is no argument in it. I am sensible that when the Legislature do wrong, they had better do nothing—but it does not follow that nothing ought to be attempted, lest we should do wrong. Remember the unprofitable servant who made no improvment of the talent. I contend that this measure will increase the consumption of imports, and consequently will benefit the revenue. The means for revenue are imports; the means for imports are exports; and the means for exports are money. And what are the means for money? If I answer as a speculator, I say *my wits;* but if as a man of business, I answer *hard work;* productive labor—and having been always on the Committee of *means*, (I say nothing about the *ways*,) my plan is, to adopt measures which will add one cent per day to the productiveness of the labor of all the people of this Republic; which will increase the common wealth $100,000 per day, and give great means for revenue.

If we can discover the mode of doing this, the means of revenue will be ample; you may take it from the people in any way you please; you can leave to their own use all you now draw from them, in such a pleasant way. The $100,000 per day would be ample for all the purposes of Government; all your contracts, Cumberland road, and all. But I would, by no means, be understood as wishing to abandon the present mode of collecting revenue; nor would I be so tenacious of it as to lose sight of every thing else. Members of Congress have lately told me, that any measures to give direction to the industry of the people would be putting them under guardianship—that the people wish to pursue their own business in their own way—that they know how to set themselves to work better than Congress can direct them—that they choose to be left free to change their business and pursuits in life as they think proper. I thought this very pretty, superficial talk, and all very good, so far as it goes. I have no disposition, if I could do it, to abridge the liberties of the people; but still I would regulate trade, and leave the people perfectly free to act for themselves under the laws. Nothing, Mr. President, but the restrictive laws would have made me a cotton spinner and weaver. I should as soon have thought of going back to spinning tops again as to spinning cotton, but for the restrictive laws; and it has appeared to me, for several years, that there was about as much necessity for our statesmen to look about them as in those restrictive times. It cannot be said that the people have not given power. Congress has gone all lengths in the exercise of this power—even to stop the whole commerce of the nation, and, with it, the revenue. This was surely giving some direction to that great branch of business which gives direction to all others—at a time, too, when by great and mighty changes from war to peace, we had lost our markets by the restrictions of other nations; though they did not lose their markets with us; we have not met restriction by restriction, but in a very trifling degree. But to return to the subject. I think if I can show practically that the policy, of which this bill is but an item, will add one cent per day to the productiveness of the labor of all the people of this nation, I may render some service. If I succeed in showing it, in relation to fifty thousand people, it may be the beginning of a rule to do so for the whole people. Unproductive labor, or unemployed laborers, are a great loss to the country. If fifty thousand people produce five thousand barrels of flour, or any thing else, for a foreign market, and, when sent there, it produces no more than four thousand would have done, then the one thousand extra might as well not have been produced, as respects the interest of the growers; the labor is completely wasted; one-fifth of the whole fifty thousand people might as well have been idle for all the good they have done. Now I propose, in another way, to create productive labor for five hundred of those ten thousand persons whose labor has been useless. I will call them from their unproductive employment, and set them to work at making ropes; ropes to carry to the Spanish American markets, to furnish means for further imports, which are the sources of revenue. And, by productive labor, these consumers will have increased means to purchase imports. Five hundred persons thus called off from the unproductive business will leave all the profits which formerly accrued to fifty thousand to be divided among the remaining forty-nine thousand five hundred; this will, of course, increase the dividend—that is one item of the gain. Another item is, that the sum of net profits gained by the forty-nine thousand five hundred will be somewhat greater than that produced by the whole fifty thousand; for the five hundred thus taken off will become purchasers of provisions, and make the home market a little better; it may be said that they will not consume more provisions than before, which is very true, but by no means destroys the argument, because their new employment gives them new means, and they become purchasers, which they were not before.

With these two items, I think my one cent nearly gained; the foreign and domestic markets both made better—less to go to the foreign, and more means for the domestic. But if I am charged with extravagance in these two items, I have two answers to the charge. I will show you enough without them, to make good my purpose—to make out my case: and those who deny the strength of the grounds I have taken, may set the other 49,500 idle, or worse than idle, persons at work in some other way. Now, sir, I will show you how to save the one cent per day, by another mode of calculation—I mean the *produce* of the 500 people, who earned nothing before; I take only the moderate quantity of 1,000 tons of Russian hemp—I must have 200 of the people, all the year round, to manufacture this hemp into cordage, and the remaining 300 to navigate the ships engaged in the trade. The young men of the Eastern States make the best of seamen—the ocean is their mistress—when the other lasses prove unkind, they take to the ocean. I must also have, to carry my plan into execution, 2,000 tons of shipping to bring

the hemp, 1,000 to take the cordage to market, making 3,000 tons; and about 4,000 barrels of tar, from the pine woods of my worthy friends from North Carolina; although they say the tar would find a market elsewhere—so it may be said of cotton, and all other articles; but there is something in having a *home* market; it is always most safe and permanent; the cultivators of the sugar cane, of butter, cheese, and many other things, acknowledge the superiority of the home market. The coasting trade, in carrying the tar, and the people employed in making it, will be benefited a little. But I have support enough, without bringing those trifles into the computation.

The manufacturing of 100 tons of hemp, at 30 dollars the ton, is	$30,000
250 tons of cordage, gained in weight by the addition of the tar, at $210 per ton, is	52,500
	$82,500
Deduct for 4,000 bbls. tar, at 1¾ dollars per barrel	7,500
Amount from which the manufacturer may pay his 200 people	$75,000
Freight of 1,000 tons of hemp from Russia	30,000
Do. of cordage to Spanish America	20,000
	$125,500
These additional means will richly make up any deficiency of the one cent per day for the 49,500, people and more than pay for the labor of the 500.	
But, as I am not disposed to give too much to those unprofitable servants, who are for doing nothing these hard times, I take the one cent per day which my measure saves to the 49,500 people, which amounts, per annum to	$154,935
And charge to the Senate, for not passing the bill at the last session, the whole amount	$280,435

And this constitutes but one small item of the load of sin of omission which Congress will have to answer for.

Now, gentlemen may say, this is only a visionary scheme, very easy to be shown on paper. But they may rest assured that I am no dealer in visions; they will find something solid in it; and if the bill is not passed, I hope the people will hold up the black catalogue on election day, and call the attention of gentlemen to it, if I cannot. In this calculation, I have said nothing of the profits to be derived by the merchant; I leave them with the lawyers, to take care of themselves.

When Mr. D'WOLF concluded—

Mr. LLOYD, of Massachusetts, then rose, and said he would ask the indulgence of the Senate only for a few minutes; he was not entitled, at any time, to claim it for a long period, but still less than common, at present, as he had not intended entering into the discussion of the bill, and was not prepared to do it; but, being absent on public business, he had understood that the honorable gentleman from Rhode Island had expressed a regret at his absence, and, as his friends told him, had thrown a glove upon the floor, which he must take up. This he would therefore do, from an impulse of his nature, which he feared, on many occasions, would manifest that his rashness was only exceeded by his feebleness. He took it up, too, with the more readiness, as it could alone be presented or received in amity. The gentleman from Rhode Island did very little justice to the confidence he reposed in his project, if he supposed he was averse to it. So far from it, he went with him the whole length of what he considered the extent of his views, when he understood him to state, that this was the precursor of a system of measures to encourage the commerce of the country; and, if the bill passed, he meant to extend it to other articles.

Mr. L. said it had been a general, and, in some degree, a popular belief, that the allowance of a drawback on foreign articles exported, was, in fact, an extraction of so much money from the public Treasury; a diminution of the revenue. No idea could possibly be more unfounded and fallacious; so far from it, the most salutary and beneficent feature of the whole commercial and fiscal system of the country was the introduction of the allowance of drawback on exportations of foreign commodities, which had been previously imported. He meant to take up but little of the time of the Senate, but he would briefly state some of its effects.

From the only record to which he could have access,* it would appear that, in a period of ten years, from 1802 to 1812, the whole amount of exports from the United States, was from seven to eight hundred millions of dollars, of which, upwards of three hundred millions of dollars consisted of articles of foreign produce, previously imported into the United States; during which time our tonnage amounted to from eight hundred to a million of tons of shipping, nearly one half of which, or from four to five hundred thousand tons of shipping, were employed in this commerce, resulting exclusively from the allowance of drawbacks; thus giving to our navigation two freights, and the ultimate profit on the adventures; all which was deposited in Europe, and went to the extinction of that portentous balance, which, in the eyes of some political economists, had menaced us with destruction and bankruptcy for the last thirty years; and, without the allowance of which, with our very onerous rate of duties, not one dollar could have been exported; for, although in some years the importation might be less, in some more, yet, on an average of ten years, the importation must, of necessity, without the allowance of drawback, be limited to the actual domestic consumption, and, in consequence, our commerce would have been crippled, our seamen reduced one half, and our revenue been diminished; as, with its allowance, the drawback never being equal to the duty, a residuum is always left in the public treasury.

This prosperous state of things had, indeed, in

* Seybert's Statistics.

considerable degree, ceased; circumstances might, however, bring it back again; and if it returned, or existed at all, it could only exist beneficially.

The allowance of drawback had indeed been the great and fruitful source of our prosperity; from the encouragement it gave to commerce, it built up our cities, gave wealth to our merchants, and embellishment to the interior. He, therefore, warmly advocated the allowance of an extended system of drawback. There was but one difficulty to be guarded against, and he was willing to state that, and to meet it. This was the difficulty in preventing frauds in identifying the articles imported when in a raw state, and when exported in a state of manufacture. It was true, perhaps, that, in some cases, in proportion to the skill and adroitness of the manufacturer of the article, might be the deterioration of the article; that the more glue or starch there was in cotton, the thinner the window glass, or the more tar in the cordage, the worse the fabric, but the greater the profit to the maker. All this might be guarded against in the details of the bill; the objections did not affect the principle; and, if gentlemen thought differently, as the bill had heretofore been unsuccessfully before the Senate, there was one way in which the difficulty could, at any rate, be cured, and he, for one, would readily resort to it; it would be interesting to a very fertile and important part of the country, entitled, for its fertility and its population, to an equal degree of patronage and protection with any other part of the United States. He alluded to the western part of the country; and he would, for his own part, also be willing to allow a bounty on Kentucky hemp, when made into cordage, and exported, to keep pace with the drawback on manufactured foreign hemp. The present state of the agriculture of that country required protection as well as our commerce; nor was he afraid of the effect on the Treasury; the receipts would be abundant; we had now a surplus; our revenue was ample; we were curtailing our establishments, and annually diminishing our public debt; and, although our importations might fall off the next year, they would not materially lessen. There was one cause, not generally taken into view, to prevent it, the operation of which we neither would nor could retard; that was, the annual addition, from the increase of our population, alone, of five hundred thousand human beings to the class of consumers. He said he hoped the bill would pass.

Mr. TALBOT, of Kentucky, then moved to amend the bill, so as to allow a bounty on cordage manufactured from domestic hemp as well as a drawback on that manufactured from foreign hemp.

And, without taking a question on this proposed amendment, the bill was then again ordered to lie on the table.

MONDAY, December 30.

EDWARD LLOYD, from the State of Maryland, attended this day.

JOHN TAYLOR, appointed a Senator by the Legislature of the State of Virginia, in place of James Pleasants, resigned, produced his credentials, was qualified, and took his seat in the Senate.

Mr. RODNEY presented the petition of the President and Directors of the Chesapeake and Delaware Canal Company, praying the aid of the General Government. The petition was read, and referred to the Committee on Roads and Canals.

Mr. TALBOT submitted the following motion for consideration:

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of authorizing a subscription, on behalf of the Government of the United States, of a certain portion of the stock of the Ohio, as well as of the Delaware and Chesapeake Canal Companies, or of any other company which has been incorporated within the United States for the improvement of internal commerce and navigation.

Mr. RUGGLES, from the Committee of Claims, to which the subject was referred, made a report, accompanied with a bill for the relief of Joseph Forrest. The report and bill were read, and the bill passed to the second reading.

Mr. JOHNSON, of Kentucky, presented the petition of James Morrison, of Kentucky, praying relief in the settlement of his accounts. The petition was read, and referred to the Committee of Claims.

On motion, by Mr. RUGGLES, the Committee of Claims, to which was referred, on the 19th instant, the petition of James Lloyd, of Virginia, praying compensation for certain services rendered, and expenses incurred, were discharged from the further consideration thereof, and it was referred to the Committee on Military Affairs.

Mr. SOUTHARD, from the Committee on the Judiciary, to which was referred, on the 27th instant, the petition of Samuel N. Smallwood, and others, citizens of the District of Columbia, praying certain amendments to the laws of the District, reported that the prayer of the petitioners ought not to be granted.

Mr. SOUTHARD, from the same committee, to which was referred the bill to abolish imprisonment for debt, reported the same, without amendment; and, on motion, by Mr. JOHNSON, of Kentucky, it was taken up, as in Committee of the Whole; and, on his motion, the further consideration thereof was postponed to, and made the order of the day for, Monday next.

The resolution for a new rule for conducting business in the Senate, as it respects private bills, was read the second time; and, on motion by Mr. RODNEY, laid on the table.

Mr. SOUTHARD submitted the following motion for consideration:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of continuing in force the act, entitled "An act to provide for reports of the decisions of the Supreme Court," passed the third day of March, 1817.

The bill, entitled "An act to make perpetual an

act, passed the third day of March, 1817, entitled 'An act to continue in force an act further to provide for the collection of duties on imports and tonnage,' passed third day of March, 1815, and for other purposes," was read the second time; and, on motion by Mr. LOWRIE, referred to the Committee on Finance.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of the representatives of John Donelson, Thomas Carr, and others; and, no amendment having been made thereto, it was reported to the House; and ordered to be engrossed, and read a third time.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of Ebenezer Stevens, and others; and, on motion, it was laid on the table.

The Senate resumed the consideration of the bill appropriating moneys for the purpose of repairing the national road from Cumberland to Wheeling; and the further consideration thereof was postponed to, and made the order of the day for, to-morrow.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of Robert Purdy; and the further consideration thereof was postponed until to-morrow.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of Alexander Humphrey and Sylvester Humphrey; and, no amendment having been made thereto, it was reported to the House; and ordered to be engrossed, and read a third time.

DRAWBACK ON CORDAGE.

The Senate then resumed, in Committee of the Whole, the consideration of the bill to allow a drawback on the exportation of cordage manufactured from imported hemp—the amendment proposed on Friday by Mr. TALBOT, to extend the bounty to cordage manufactured from domestic as well as foreign hemp, being the question first in order.

On this proposition to amend the bill, as well as on the bill itself, a debate followed, which occupied about three hours—embracing, besides arguments and views of general policy, numerous commercial details, of which even a condensed sketch would occupy much space. The following was the course of the debate:

Mr. TALBOT submitted the reasons which induced him to offer the amendment; which, however, he was not very anxious for, not being fully aware of all its effects; but with which the bill would be more acceptable to him, and without which he could not vote for it.

Mr. SMITH, of Maryland, spoke at considerable length against the amendment, as containing a principle new in our system of domestic policy, hazardous and inexpedient, and argued in favor of the bill, as proposing a measure consistent with the course of the Government from its origin, and one which had greatly benefited the enterprise, the private wealth, and public prosperity of the nation.

Mr. DICKERSON, of New Jersey, said, if this bill is to pass, it must be upon general principles, as it is avowed to be but the beginning of a system which shall embrace all articles manufactured of foreign materials. It therefore assumes a degree of importance which otherwise would not belong to it.

My objections to this bill, said he, are not all obviated by the amendment proposed by the gentleman from Kentucky, (Mr. TALBOT,) to strike out the word "foreign," so as to extend the drawback to cordage manufactured from domestic hemp. The amendment would destroy the principle of the bill, while it would do nothing to promote the growing of hemp in this country. Arguments against the bill will show the inexpediency of the amendment.

This bill has been introduced with the avowed object of promoting the manufactures of this country; and the gentleman from Massachusetts (Mr. LLOYD) is willing also to promote the agriculture of the Western States, by adopting the proposed amendment. So far as this bill, with its amendment, would protect the manufacturing and agricultural interests of the country, it must be by a system of bounties; a system which, as yet, has only been extended to those engaged in the fisheries in the Eastern States. The friends of manufactures in the United States have asked for protection, not bounties. They have asked that the home market should be sacred to them; not that they should be enabled to compete with the foreign manufacturers in foreign markets. They have no great desire to manufacture cordage for our neighbors, of foreign materials, by which a very slight increase of value is given to the raw material—five per cent. perhaps; while we send our cotton across the Atlantic to be manufactured, and bring it back for our own consumption, after it is increased in value five hundred per cent.

The friends of manufactures wish, in the first place, to be so far protected by Congress, as to be enabled to manufacture such articles as we want for our own consumption, and out of materials the produce of our country. How sparingly this protection has been afforded, will appear by an examination of our products. We import, of woollen and cotton goods alone, at the rate of about sixteen millions of dollars a year, and of other articles nine or ten millions; seven-eighths of which we ought to manufacture for ourselves, of domestic materials. And to this circumstance is entirely owing the pecuniary distress of the country. And while we were despairing of being able to afford a remedy for this evil, we are all at once surprised with an offer of protection, by a system of bounties; and this offer, too, from the East. The industry of the Eastern States has long been fostered by a system of bounties extended to their fisheries. To this the middle and manufacturing States have cheerfully contributed. The favor, heretofore, has not been reciprocated, though often asked; but now, it seems, the debt is to be discharged. The gentleman from Massachusetts thinks the prosperous state of our finances will warrant Congress in

adopting the system of bounties proposed by the amendment to this bill.

But, unfortunately for us, the proposed amendment, however well intended, will not, in the slightest degree, promote the interest of agriculture or manufactures. The gentleman (Mr. D'WOLF) who introduced this bill, informs us that forty-nine fiftieths of all the hemp manufactured or consumed in the United States is imported from Europe; and, for this plain reason, that notwithstanding the duty on foreign hemp, the expense of importation, and other charges, it can still be purchased in our market on better terms, or at a lower price than the domestic hemp. This has long been the case, and will continue to be so, unless we increase the duty on hemp, which does not appear to be any part of the plan of gentlemen who introduced this bill. The gentleman from Kentucky thinks that, by extending the drawback to the cordage made by domestic as well as foreign hemp, it will add to the price of the domestic hemp, and thus promote the agriculture of the Western States. But nothing can be more fallacious. No part of this bounty would ever reach a pound of domestic hemp in consequence of this amendment. The person about to purchase hemp, to be manufactured into cordage, for exportation, would buy that which he could procure on the best terms; that, at present, would be the foreign hemp, by half a cent per pound. No domestic hemp, of course, would be purchased for this purpose. This bill, with its amendment, gives a bounty of a cent per pound to the domestic as well as the foreign hemp. The difference in favor of the foreign hemp would still be the same it was before, that is, half a cent per pound; and of course none of the domestic hemp would be purchased for this manufacture. The bounty, therefore, would not reach the domestic, but would produce an excessive importation of Russia hemp. And, as the conditions required for exportation of cordage for the benefit of drawback, as the quantity to be exported must be at least ten tons, (about the value of fifteen hundred dollars,) and in vessels of not less than sixty tons burden, would frequently not be complied with, large quantities of hemp, imported for exportation, would remain on hand, and glut the domestic market, and thus put an end to produce of domestic hemp; while the whole of the manufacture and exportation of cordage would be confined to a few large capitalists in our seaport towns.

This cannot be considered as a bill for the encouragement of domestic manufactures, because the slight additional value given to the raw material, by the manufacture of cordage, is of no importance when compared with other objects that demand our attention. And it is calculated materially to injure agriculture.

It may, however, be considered as a bill in favor of the shipping interest, and, as such, demands our serious attention. And if it can be made to serve that interest, without prejudice to other important interests, it will be our duty to vote for it.

I must be permitted to believe that the gentleman from Rhode Island greatly overrates the importance of his bill. He charges Congress with $280,000 for having neglected to pass his bill last session. We might, he says, have made and exported a thousand tons of cordage during the last year, for which we should have received one hundred and fifty dollars per ton. This, however, would amount to no more than $150,000. Therefore, our loss could be no more than this sum, if our good friends, the Russians, had given us the hemp, and it had cost nothing to import, manufacture, and export it; but a thousand tons of cordage is about twice the quantity we shall be able to sell in the West Indies and South America.

As the American tonnage is exceeded by that of no nation except Great Britain, it may be assumed as a safe position, that the cordage wanted for our own shipping would be five times as much as we could sell in the West Indies and South America, even if we had the whole market to ourselves, which we never shall have.

I will endeavor to make an estimate of the amount of cordage required for our own shipping, by taking an average of the four years, 1817, 1818, 1819, and 1820. The portion of domestic hemp made use of, being very small, is not taken into the calculation. In those four years we imported, of cables and tarred cordage, 684 tons; and, during the same time, exported 400 tons, upon which a drawback was allowed; leaving 284 tons for our own ships. It appears from this that nearly five-eighths of the whole imported, was afterwards exported for the benefit of drawback. It is believed, however, by those who are acquainted with our commerce and shipping, that a large portion of this cordage, 200 tons at least, thus exported, has been transferred again to our own ships, and appropriated to the rigging of those ships, by which the revenue has been defrauded to the amount of thirteen or fourteen thousand dollars. In the year 1817, the quantity exported exceeded the quantity imported by nearly ten tons. This might have arisen from a surplus of imports the preceding year; affording a just ground to suspect fraud. If we add these 200 tons to the 284 tons, it will make 484 tons of cordage for our own shipping. Deduct 20 per cent. for the tar, and it will leave 366 tons of hemp contained in this cordage.

During the same years, we imported 14,151 tons of hemp; of this, we will suppose one-third part was made use of for other purposes of manufacture than cables and cordage. This will leave 9,434 tons, to which add the 366 tons contained in the imported cordage, and it amounts to 9,797 tons of hemp, for our whole shipping for four years, or 2,449 tons per year. The fifth part of which quantity, 489 tons, or, at most, 500 tons, is as much as we can hope to sell to the people of South America and the West Indies. This, however, is exclusive of about 100 tons a year, which would be fraudulently exported and made use of for rigging our own vessels.

As the hemp of which this cordage is made, is to be paid for, together with charges for importation, manufacture, and exportation; and, as it must be sold at the lowest profit, as otherwise the

English will undersell us, the clear profits will be so small, that I shall feel no uneasiness as to my part of the responsibility of having neglected to pass this bill last session.

If it is the true policy of our Government to encourage the manufacture of articles from foreign materials, by an allowance of drawbacks, we are about to begin with the most unfortunate article that could be selected.

Because the manufacture of cordage adds less, than almost any others, to the value of the raw material; because it will discourage agriculture by putting an end to the growth of hemp in the Western country; because it will lead to more abuse and fraud upon the revenue than any other article; and because it will increase our commerce with Russia, which always has been, and always will be, an unfavorable one to this country.

If great frauds now take place in the exportation of cordage under our drawback law, which are strict, what are we to expect under the present bill, which provides no adequate protection for our revenue?

The cordage now imported, must be exported within a year of its importation, to entitle the exporter to the benefit of drawback; and to countries not immediately adjoining the United States; but under this bill no time is prescribed—and the cordage may be landed in the English or Spanish territories, within sight of the United States. The oaths to be taken for the safety of the revenue are of so loose a texture that they may be completely evaded without exposing the exporters to a prosecution for perjury.

In the making of cordage twenty per cent. of tar is made use of, says the gentleman from Rhode Island. I believe more frequently twenty-five per cent., and I think I have seen ropes composed of one-third part tar. The manufacturer will find it his interest to use as much tar as possible in his cordage, because, by this, he will obtain a drawback upon an article which pays no duty.

In the year 1794, a duty of eight cents per pound was laid upon snuff, manufactured for sale, and a drawback equal to the duty granted on such as should be exported to a foreign country; with abundance of oaths, to protect the revenue from fraud.

In 1795, it was discovered, that the apparent gross amount of the duties on this article, amounted to twenty thousand dollars, and that the drawbacks upon the same amounted to twenty-five thousand dollars. Congress then changed their plan, and laid a tax upon snuff mills, and allowed a drawback of six cents per pound upon snuff exported. But the makers of snuff were an overmatch for Congress. They ground up large quantities of the stocks and stems of tobacco, which, under the name of snuff, they exported; and, thus received from the treasury six cents per pound upon an article which cost them about two cents per pound, and which was worth nothing; and, finally, Congress abandoned this snuff business, as a losing concern. If our rope-makers should prove to be as adroit in their business as these ingenious snuff-grinders, we may possibly see ropes made entirely of tar, for the benefit of drawback.

This bill will have a tendency to increase our trade with Russia, which has always been unfavorable to the United States. We import from that country chiefly hemp and iron; articles which we can produce at home, to an unlimited extent; articles, too, for which we should never depend on foreign nations, in peace or war. The importation of these articles for home consumption, would, under any circumstances, be highly prejudicial to this country; but the more so, while the balance of trade with that nation is against us, to an amount of more than twenty millions of dollars, in the last twenty years.

In the year ending the 30th September, 1821,

Our imports from Russia amounted to		$1,852,199
Our exports to Russia of domestic produce and manufacture, to	$127,939	
Of foreign produce and manufacture	500,955	
		628,844
Leaving against us a balance of		$1,223,305

In fact, Russia wants but little of our produce, and we want none of hers.

The gentleman from Rhode Island professes great anxiety to be doing something for the benefit of the manufactures of this country. I will take the liberty of pointing his attention to subjects of the highest importance, which will afford him an ample field for the exercise of his talents and his practical knowledge.

During the last year, we imported, for domestic consumption, articles to an amount of more than twenty-five millions of dollars, seven-eighths of which we ought to manufacture for ourselves, and from the produce of our country.

Of woollen and cotton goods (value)	$16,000,000
Ardent spirits	3,000,000
Sugars	2,000,000
Russia, Ravens, and Holland duck and sheeting	500,000
White and red lead, ochres and other paints	300,000
Lead in sheets, bars, pigs, and shot	300,000
Cables, cordage, tarred and untarred, and twine	130,000
Hammered bar iron	1,000,000
Other kinds of iron and steel	500,000
Articles of iron and steel, paying ad valorem duties	1,500,000
	$25,230,000

This list might be extended to a variety of other important articles.

When we shall have taken care to manufacture these articles for ourselves, it will be time to provide for our neighbors.

Mr. D'WOLF replied to Mr. DICKERSON and others. He spoke at considerable length, further in support of the bill, and to show that there was no connexion between the objects and effects of this bill, and the amendment offered with the

view of encouraging the growth of domestic hemp. If introduced separately, he was ready to give his support to any just measure for the encouragement of hemp and other staples of the Western country; and argued to show that the amendment would not produce the result, &c.

Mr. MORRIL was decidedly opposed to the amendment; but was not averse to the bill itself, particularly if certain restrictions should be adopted; and submitted at some length his views of the effect which each would produce on the revenue, which he apprehended would be seriously impaired if the bill passed with the amendment.

Mr. TALBOT again rose and addressed the Senate in support and explanation of the opinions he had before advanced, and in reply to the opponents of the amendment.

Mr. DICKERSON and Mr. D'WOLF also further explained their views; when

The question was taken on Mr. TALBOT's amendment, and was lost—ayes 15, noes 28.

Mr. MACON then submitted, much at large, his views in opposition to the bill, and the policy—so injurious to the private happiness of those nations which had most pursued it—that of allowing bounties to particular classes of the community. He adverted to various particulars connected with the agriculture, commerce, and other interests of the nation, to point out where the policy of the Government had been beneficial and where detrimental to the public interest.

Mr. LOWRIE briefly stated why he conceived that the bill without the amendment would discourage the growth of hemp in this country, which was an important staple, and the domestic production of which, under circumstances that might arise, would be ruined by the operation of the bill.

The bill was then reported to the Senate.

Mr. CHANDLER, wishing to offer some amendments to the bill, moved to postpone its further consideration to Monday next. This motion was lost—ayes 18, noes 19.

Mr. CHANDLER then, after a few explanatory remarks, proposed an amendment, to require the person about to export cordage for the benefit of the drawback, "to furnish the collector of the 'customs, at the port from which the exportation 'is to take place, with satisfactory evidence to 'show what ship or vessel the raw material was 'imported in, of which the article to be exported 'was made, and that it was imported within one 'year then last past."

This amendment was opposed by Mr. SMITH, of Maryland; but, before the question was taken, the bill and amendment were, on motion of Mr. PARROTT, postponed to Thursday.

TUESDAY, December 31.

The Senate resumed the consideration of the motion of the 30th instant, for instructing the Committee on Roads and Canals to inquire into the expediency of authorizing a subscription, on behalf of the Government of the United States, of a certain portion of the stock of the different companies which have been incorporated within the United States, for the improvement of internal commerce and navigation, and agreed thereto.

The Senate resumed the consideration of the motion of yesterday, for instructing the Committee on the Judiciary to inquire into the expediency of continuing in force the act to provide for reports of the decisions of the Supreme Court, and agreed thereto.

The Senate resumed the consideration of the report of the Committee on the Judiciary, on the petition of Samuel N. Smallwood, and others, citizens of the District of Columbia; and, in concurrence therewith, resolved that the prayer of the petitioners ought not to be granted.

The bill for the relief of Daniel Seward was read the second time.

The bill for the relief of John Buhler was read the second time, and referred to the Committee on Public Lands.

Tht bill for the relief of Joseph Forrest was read the second time.

Mr. JOHNSON, of Louisiana, presented the petition of Ann Dubord, wife of Joseph Antonio De Reano, of the city of New Orleans, praying permission to remove her slaves from Cuba. The petition was read, and referred to the Committee on the Judiciary.

Mr. VAN DYKE, from the Committee on Public Lands, to which was referred the petition of Alexander A. White, made a report, accompanied with a resolution, that the prayer of the petitioner ought not to be granted.

Mr. VAN DYKE, from the same committee, to which was referred the petition of Joshua Russell, of Tyler county, Virginia, made a report, accompanied with a bill for the relief of Joshua Russel. The report and bill were read, and passed to the second reading.

The bill for the relief of Alexander Humphrey and Sylvester Humphrey was read a third time, and passed.

The bill for the relief of the representatives of John Donelson, Thomas Carr, and others, was read a third time, and, after some discussion, recommitted to the Committee on Public Lands.

The Senate resumed the consideration of the engrossed bill for the relief of John Byers, which had been previously read a third time; and, resolved, that this bill pass.

Mr. DICKERSON presented the memorial of William Gamble, praying compensation for services, as inspector of the customs. The memorial was read, and referred to the Committee of Claims.

Mr. LANMAN presented the petition of Elijah Boardman, captain in the second regiment of United States' infantry, praying relief in the settlement of his accounts. The petition was read, and referred to the Committee of Claims.

CUMBERLAND ROAD.

The Senate took up, in Committee of the Whole, the bill making an appropriation for the repair of the national road from Cumberland to the Ohio river.

On the question of filling the blank left in the bill for the amount of the appropriation—

Mr. TALBOT said he was not able, from his own observation alone, to say with confidence what sum would be adequate to the object of the bill. At the last session the sum of nine thousand dollars would have been sufficient; but such had been the injuries and dilapidations suffered subsequently by the neglect to make the repairs in time, that he was induced to believe it would now require not less than thirty thousand dollars to put the road in good condition on its whole extent. This opinion was founded not on his own observation alone, as he had stated, but on the information of gentlemen of judgment and veracity who had recently travelled the road. He therefore moved that the blank be filled with thirty thousand.

Mr. MACON thought it would be best not to decide this question by guess, but endeavor to obtain information to govern the Senate in voting the appropriation; and for the purpose of giving time for inquiry, he moved that the bill be postponed to Thursday.

Mr. TALBOT had no objection to the postponement; but he was not aware of any means by which the Senate could acquire more precise information than it now had in its possession—the opinion which he had given, being derived from the information of intelligent men, who had just passed over the road.

Mr. SMITH, of Maryland, thought the sum proposed rather large; and suggested whether the gentleman had not better inform himself, at the Treasury Department, what sum would probably be necessary for the object.

Mr. R. M. JOHNSON, of Kentucky, would not object to the postponement, if gentlemen would point out any resources of positive information; but he was convinced, after all their inquiries, the question would be entirely conjectural. It was impossible for the Senate, on such a question, to proceed with mathematical certainty; he wished them to vote, at once, the sum which appeared to them requisite—either thirty thousand, or twenty-five thousand, or twenty thousand dollars, but not procrastinate the subject without any probability of acquiring more precise information. His colleague had conversed with intelligent gentlemen well acquainted with the road, and the information derived from them was as good, he presumed, as could be obtained; if any better were expected, he would thank gentlemen to point it out. Although he believed that thirty thousand dollars would not be more than necessary, he would rather take twenty thousand than postpone the bill. Mr. J. remarked that the Senate had been liberal to the West at the last session, on a similar question, and he hoped they would now show towards that section of the country a feeling not less kind, but vote a sum adequate to put the road in repair.

Mr. RUGGLES would merely suggest, before the question was taken, that the second and third sections of the bill, (which provide for the appointment of an agent to superintend the repairs) were unnecessary, as he believed the superintendent who heretofore filled the appointment, (Mr. Shriver,) was still in office; for he, although the road had been completed some time, had been retained for the purpose of closing the accounts, and a better or more faithful agent, Mr. R. presumed could not be obtained.

The bill was then postponed to Thursday.

ROBERT PURDY.

The Senate took up, in Committee of the Whole, the bill for the relief of Colonel Robert Purdy.

[The circumstances on which this bill was founded, were, according to the report of the Committee on Military Affairs, the following: In the year 1809, Robert Purdy, the petitioner, was a Lieutenant Colonel in the Army of the United States, and in command of the troops stationed at Highwassee garrison. A certain William Luty, *a pedlar by occupation*, applied for permission to sell goods to the soldiers, which was granted him on condition that he would not sell spirituous liquors to the soldiers, nor Indian countrymen. Shortly after said Luty obtained this permission, he was detected in violating garrison orders, whereupon he was confined under guard, and was convicted by a court of inquiry, of having sold spirits, both to the troops and Indian countrymen. Luty was kept under guard for about three days, when he was liberated and directed to leave the garrison; but, instead of complying with these directions, Luty got possession of one or two cabins near the garrison, and within the Indian territory, where he continued to sell spirits, to the great injury of the subordination and discipline of the garrison, and in violation of the laws regulating intercourse with the Indian tribes. Colonel Purdy ordered the cabins in which Luty had taken shelter to be pulled down, and they were demolished accordingly. After Luty was thus forced to leave the garrison, he instituted actions of trespass and false imprisonment against Colonel Purdy, and thereby subjected him to the payment of $816 70, costs, and charges. It appears that the court in Tennessee claimed and exercised jurisdiction of acts committed within the Indian territory, and determined that Luty could not be considered a sutler, because he was prohibited from selling *spirits*. The committee remark that it is a subject of much delicacy to review the decisions of our courts of justice; but are compelled to remark, that the jurisdiction of the court in this case is doubtful, to say the least of it. And they are confident that a license to sell spirits is not essential to constitute the character of a sutler. But, admitting the court to be correct, both as to jurisdiction, and the definition of a sutler, yet the committee are of opinion the petitioner is entitled to relief. Because, they are satisfied he acted with the sole view of promoting the public interest confided to his command; that he had no other means of restoring order and subordination among the troops, and of enforcing the laws of the United States, regulating intercourse with the Indian tribes. And, that he pursued, on this occasion, the same course which had been universally adopted by the commanding officer of our frontier garrisons. And, therefore, they reported the bill for his relief.]

Mr. WILLIAMS, of Tennessee, recapitulated, for the information of gentlemen who were not in the Senate in former sessions when this bill was considered, the facts of the case, and the reasons gen-

erally which rendered its passage just and equitable.

Mr. MACON made an inquiry or two of the chairman of the Military Committee, relative to some of the facts stated in the report, touching the legality of the conduct of Colonel Purdy. It was a pretty high-handed measure, Mr. M. said, for a citizen to be imprisoned by a military officer, and he wished to be satisfied that the act was justifiable.

Mr. WILLIAMS, of Tennessee, replied to the question of Mr. MACON. The cabins occupied by Luty were on the line of the Indian territory, and when that part which was within the boundary was demolished, the other of course fell. When Luty committed the act for which he was imprisoned, it was not only within the Indian reservation, but within the encampment ground of Colonel Purdy. Mr. W. said the courts of Tennessee had decided that the jurisdiction of the State was coextensive with its chartered limits, as well within the Indian grounds as where the Indian title had been extinguished, and had, in pursuance of that principle, given damages to Luty. The courts of Georgia, Mr. W. said, he understood had decided differently, and he was inclined to think this decision was a correct one, though he was not prepared to give a positive opinion.

Mr. TAYLOR, of Virginia, would make a suggestion, as apposite to the subject, though perhaps unimportant. The United States had assigned all the judicial power they possessed to its own courts; one moiety of the judicial power of the people was assigned to the Federal courts, and the other moiety to the State courts; would it not, therefore, he asked, be unconstitutional for Congress to undertake to revise a judicial decision? Could it rightfully interfere with such decisions, after they were made by the courts? If the trial of the petitioners was a question arising under the Constitution or laws of the Union, it would be one reserved to the Federal courts to decide, and the party grieved might have recourse to the Federal courts for redress; then was it right, Mr. T. asked, for Congress to undertake to give him that which was provided by a different branch of the Government? If aggrieved by the decision of a State court, he could still, according to the construction of the Supreme Court, resort to the Federal court for redress. But how was it, Mr. T. inquired, that a military officer could have the right to come forward to Congress for redress from a judicial decision, which a civil character could not claim from Congress for any hard or erroneous judgment he might suffer from a court?—particularly if that officer has, by the twenty-fifth section of the Judiciary act, the right of removing his cause to the Federal courts? The precedent was bad, Mr. T. thought, because it would have the effect to bring much business of the same kind before the Legislature, which it cannot, either properly or advantageously decide on. In reference to the practice of Congress in such matters, Mr. T. remembered an old case which was applicable to the subject. France once had a body called a Parliament: it was very numerous, and as all the members could not get information on and fully understand every subject, they appointed a committee of one member, called a Reporter, and all the rest of the body relied on the statements of that one individual. This practice virtually reduced the body to a single member. Here, said Mr. T., we pursue the same course, and judge on claims at second hand, on the report of the gentlemen of the committee. If, Mr. T. continued, we are to act on such questions, which are judicial in their character, we ought to decide according to the principles which govern judges. Would a bench of judges leave the decision of a case to one of their number, and all the rest submit their judgments to the opinion of that one? Such was the practice in the Legislature, and it showed the impropriety of bringing into Congress such business, which belonged properly to the courts, where each one who had to decide, was well informed of the merits of the case, and rendered justice accordingly. But if such subjects are to be received by appeal from the courts, we ought, Mr. T. said, for the sake of that economy which all profess to desire, to appoint a court of exchequer, instead of deciding them here. Let us, said he, take a hint from monarchical Governments, (certainly not renowned for their economy,) and appoint a court of exchequer, which will be better able to decide where justice lies, than such a body as this, where all are too much occupied with business of a different kind to investigate such subjects. Mr. T. continued to argue at some length against the practice of acting on such claims in Congress, where so much depended on the talents and integrity of any gentleman who might patronize a claim. It was spending the money of the nation on cases which were not understood, and in fees which the litigants would have to pay in court, and ought to pay there. The trial was, moreover, here, *ex parte*; no testimony was taken on the adverse side; the statements of the petitioner only were received; a committee heard the case, and the House was governed by their report.

Mr. HOLMES, of Maine, in reference to the propriety of granting indemnity to Colonel Purdy, cited several cases where officers, during the late war, were ordered to perform acts which were pronounced illegal by the courts, for which the officers had judgments for damages rendered against them; they asked of Congress relief, and had generally received it, even where the decision of the State court was perfectly correct; but in cases where the officer was obliged to obey the orders of his superior. An officer was not to consider whether his orders were right or wrong—his duty was to obey them; in doing so, he might incur damages which would be ruinous to him, unless Congress afforded him relief. There had been cases (and Mr. H. adverted to several) in which officers had suffered for acts of duty, in which it was clear that they could have pursued their remedy in the Federal courts, under the 25th section of the Judiciary act; but as the sums were small, and the officers were known to have acted in good faith, and for the best—even where not acting under orders—they were relieved by the Legislature. It

was well known, Mr. H. said, that in the Northern States, during the late war, there was a good deal of excitement, and considerable jealousy and ill will towards military officers; and it was hard for them to get justice; they were obliged to appeal to Congress for relief, and where they were thought to have acted for the best interests of the United States they had been usually relieved; for, though the officer might seek relief in the Supreme Court, and should gain his suit, it would often be a remedy without relief, for the expenses of such an appeal would frequently amount to as much as the whole sum involved in some of the cases.

Mr. VAN BUREN observed that the Constitution had very wisely divided the judicial power in the manner described by Mr. TAYLOR, between the State and the Federal courts; and, in reply to that gentleman, said he had yet to learn that relief had ever been granted by Congress to any applicant on the avowed ground of error in the decision of the court, if the court was one of competent power. But, although it was not competent for Congress to give relief on this ground, it was right to do so on a variety of other grounds. There might be cases in which an officer acts contrary, and knowingly contrary, to law, but where the exigency of the case secures to the United States a good by the illegal act; yet, in such cases as these, the Legislature will relieve the officer from the consequences which may follow his act. Such cases had been relieved—one even at the last session—the bill for the relief of Matthew McNair. Mr. Van Buren cited also other cases, amongst them, that of Mr. Gelston, the former collector of the port of New York, in which the damages amounted to $130,000, and in which, although there was no question that the court decided right, yet, as the officer acted for the good of the United States, Congress relieved him from the damages, great as they were. The officer acted on his own risk, and, as all of them must proceed on the same principle, they would be liable to be ruined by the performance of what they might, though erroneously, deem to be their duty, unless Congress were to grant relief, for all were fallible, and liable to err. Mr. Van Buren applied his argument to the present case, in which the officer had done nothing more than was right and proper, but had suffered damages for it; such an officer, so acting, ought certainly to be relieved, as an intelligent committee of the Senate had decided, and the bill ought to pass on the principles both of consistency and sound policy.

Mr. WILLIAMS, of Tennessee, again rose to make a few remarks in reply to Mr. TAYLOR. The gentleman had said that Colonel Purdy could have sought redress in the Federal court, and had the error of the State court corrected; but Mr. W. doubted, indeed he denied, the practicability of that course. It was an action for false imprisonment, and he did not see how a Federal court could order the State court to stay proceedings in such a case. He believed it had been contended by the Court of Appeals in Virginia, that the Supreme Court of the United States had no jurisdiction over the State courts, in cases not of a stronger character than the one under consideration; and there was nothing in the Constitution or laws of the Union which would justify Colonel Purdy in removing his case to the Federal court. But even if he had possessed that right, he would have had to go a thousand miles to reach the Federal court; and would it have been just to require that sacrifice of an officer for executing his duty and the orders of the President? What, Mr. W. asked, was to become of public agents, under the circumstances of the petitioner, before the gentleman's court of exchequer could hear and determine their cases? They would suffer ruin, before relief could be afforded to them. Congress had always acted on such cases, he said, and had granted relief where the party applying appeared to be entitled to it. Nor had it been confined to officers of the Army, as he showed by adducing several examples of a different character. Colonel P. he said had incurred these damages for enforcing the laws of the United States and doing his duty, as he conceived, and it was one of that class of cases which, if any, was entitled to relief. It was the performance of the very duty for which he was placed in the Indian territory; and if he had neglected to act as he did, he would have made himself liable to be arraigned and disgraced for a neglect of duty. Mr. W. particularized a number of cases growing out of the late war, in which damages recovered against officers for false imprisonment, would have ruined them, but for the interposition of Congress. An expedition Mr. W. said, had recently been ordered to sea against the pirates; it might happen that some persons might be taken under circumstances so suspicious and strong as to justify their seizure and imprisonment, yet appear in the end to be pirates; yet would any one say that Commodore Porter ought to be suffered to be ruined by actions for false imprisonment, for making such arrests? No, certainly—Congress would not hesitate to indemnify him.

Mr. BROWN, of Ohio, made a few remarks, indistinctly heard. The tenor of his observations was, that where an officer had suffered damages for his fidelity to the United States, he ought not to be turned away from Congress without redress, because it might be said there was another tribunal to which he might resort; and that where an officer had done his duty by preventing a mischief, yet incurred a responsibility for so doing, he was equally entitled to relief, as though he had waited till the evil was perpetrated, and then punished it. Mr. B. spoke at some length in reply, (the Reporter understood,) to Mr. TAYLOR as to the cases properly referrible to the Supreme Court.

Mr. TAYLOR, of Virginia, again rose. The gentlemen opposed to him, he said, had yielded the question. The petitioner, it was stated, was fined for executing the laws, and yet he was punished by law for executing the law. Was this correct? Ought the party not to apply to those laws for redress, which he suffered for executing? and were the courts not the proper tribunal for him to appeal to? Was the Treasury, Mr. T. demanded, to underwrite every officer who is cast in the law? and yet it would come to this by the establish-

ment of such a precedent. Adopt this practice, Mr. T. said, and we shall soon have here plaintiff and defendant—petitions will be presented by collusion, to obtain grants from the Treasury, and the stakes be divided between the parties. Mr. T. took this occasion, in reply to some remarks that had been made, to protest against the appellate jurisdiction assumed by the Supreme Court of the United States. The power denied, was no where to be found in the Constitution. Returning to the subject immediately under consideration, Mr. T. said, if military officers used the physical force placed under their command, to oppress a citizen, they ought to be the last who ought to be excused; they ought to be punished. This petitioner either broke the law or he enforced the law. If the former, ought Congress to protect him? and, if the latter, ought the courts not to protect him? This precedent, he repeated, would be a bad one. It was more necessary to make the military obedient to the law than any other class; and he would not, by this unnecessary indemnity, encourage them to break the law, to neglect their defence before the proper tribunal, and then grant them a privilege here not granted to any other class of citizens. This was, indeed, granting an exclusive privilege. Exclusive privileges! exclaimed Mr. T. He protested against them with vehemence, as abhorrent to justice and repugnant to the spirit of our institutions. Even in this case, he observed, it might be (he would not assert it, but merely suggest the idea) that the petitioner came here in concert with the prosecution, to squeeze a little out of the public Treasury. Mr. T. again adverted to the power contended for by the Supreme Court, and spoke against the supremacy asserted by that tribunal, which was a mingling of jurisdictions, he said, which would bring about a very different Government from that which the Constitution intended to establish.

Mr. EATON, of Tennessee, referred to the nature of the present case, and the facts disclosed by the most incontestible evidence, to show that there could exist no possible collusion between Colonel Purdy and his prosecutor. If, however, Mr. E. said, Colonel P. had taken the course recommended by Mr. TAYLOR, there would have been more room to hazard such a suggestion, if the character of the officer did not utterly forbid it. But, Mr. E. said, it was not in the power of the prisoner to appeal to the Supreme Court for redress, because this was an action at common law, and not one arising under a law of the United States or of the Constitution. Another reason, Mr. E. said, why Colonel P. could not apply to the Supreme Court, was, that the sum involved was not sufficient to entitle him to an appeal, the laws giving the right of appeal, limiting it to sums not less than $1,000. If the gentleman (Mr. TAYLOR) had been better acquainted with the practice of the Senate, he would have known, Mr. E. said, that there was no danger that it would ever set itself up as a revising body over the Judiciary. It was but the very last session of Congress that the gentleman's own colleague, (Mr. BARBOUR,) had eloquently and most zealously advocated the expediency of revising and declaring illegal an act of the Judiciary—he alluded to the case of Matthew Lyon—but, whatever might have been the opinions of the members, as to the justice of the decision of the Court in the case of Matthew Lyon, the Senate overruled the opinion of the gentleman, and determined not to interfere with the Judicial Department, but leave it to the undisturbed performance of its duties. The Senate, Mr. E. said, had thus solemnly decided against the principle which Mr. TAYLOR seemed so much to dread; the gentleman might, therefore, let his fears subside as to the assumption of power over the Judiciary by the Senate, for all his arguments were thrown away on such apprehension. As to the present case, Mr. E. repeated, it was not one which it was competent for the Supreme Court to relieve; it was only in the power of Congress to do it; and, as it was a case entitled to the interposition of Congress, he hoped the bill would pass.

After a few further explanatory remarks from Mr. MACON and Mr. WILLIAMS, the question was taken on ordering the bill to be engrossed and read a third time, and carried without a division.

Adjourned to Friday.

FRIDAY, January 3, 1823.

Mr. BARBOUR moved, that the Committee on Foreign Relations, to which was referred, on the 17th ultimo, the petition of Joseph Emerson, in behalf of himself and others, be discharged from the further consideration thereof; and, on motion, it was laid on the table.

Mr. BOARDMAN presented the memorial of Henry P. Wilcox, administrator of Joseph Wilcox, praying compensation for carrying George A. Hughes, the bearer of despatches, from Havre de Grace to the United States. The petition was read, and referred to the Committee of Claims.

On motion, by Mr. BARBOUR, the Committee on Foreign Relations, to which was referred the memorial of Benjamin I. Shain, master of the schooner Ajax, were discharged from the further consideration thereof, and it was referred to the Secretary of State.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate of the United States:

In compliance with the three resolutions of the Senate, of the 5th April, 1822, requesting the President of the United States to communicate, in detail, the expenses of building each vessel of war authorized by the act of the 2d of January, 1813, and its supplements; and, also, the names, number, grade, &c., of the officers and men employed at each naval station, during the two years immediately preceding the first of January, 1822, I herewith transmit a report from the Secretary of the Navy, with the accompanying documents, which contain the desired information.

JAMES MONROE.

WASHINGTON, *January* 3, 1823.

The Message and documents were read, and ordered to be printed for the use of the Senate.

A message from the House of Representatives

informed the Senate that the House have passed a bill, entitled "An act to amend an act, entitled 'An act further to regulate the entry of merchandise imported into the United States from any adjacent territory;" a bill, entitled "An act in addition to 'An act to continue in force 'An act to protect the commerce of the United States, and punish the crime of piracy; and, also, to make further provision for punishing the crime of piracy;" and, also, a bill, entitled "An act to continue the present mode of supplying the Army of the United States;" in which bills they request the concurrence of the Senate.

The bill for the relief of Robert Purdy was read a third time, and passed.

Mr. HOLMES, of Maine, submitted the following motion for consideration:

Resolved, That the petition of Joseph Emerson, and others, praying for indemnity for property illegally captured by the cruisers of the French Rupublic, in the year 1797, be recommitted to the Committee on Foreign Relations, with directions to inquire and report whether the claim of the petitioners was released to the French Government by the United States, by the Convention between the two Republics, made and concluded on the 30th September, 1800, and finally ratified, on the part of France, on the 31st July, 1801; and, if released and barred, to report a bill for the relief of the petitioners: *Provided*, They shall produce satisfactory evidence of the illegal capture of their property by the French, as stated in their petition.

JOSEPH JANNEY.

The Senate resumed the consideration of the report of the Committee of Claims, unfavorable to the petition of Joseph Janney, of Virginia, who prays to be paid for certain buildings burnt by the British, in 1814, because, as is stated, of the alleged occupation of said property by American troops.

Mr. BARBOUR moved to reverse the report, so as to declare that the petition ought to be granted; and advocated the justice and reasonableness of the claim with much earnestness, and at considerable length.

Mr. RUGGLES (Chairman of the Committee of Claims) replied to Mr. BARBOUR, and defended the report of the committee; but had not concluded his remarks, when he gave way for a motion to adjourn; and the Senate adjourned to Monday.

MONDAY, January 6.

Mr. WILLIAMS, of Tennessee, presented the petition of Jacob Butler, of the State of Tennessee, praying compensation for two horses lost in the service of the United States, during the late war. The petition was read, and referred to the Committee of Claims.

Mr. JOHNSON, of Louisiana, submitted the following motion for consideration:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of modifying he act of Congress of the last session, entitled "An tet for the establishment of a Territorial government in alorida," so as to grant the right of appeal and writs of error from the decisions of the courts established by said act, to the Supreme Court of the United States, in all cases above —— dollars.

Mr. DICKERSON submitted the following motion for consideration:

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of authorizing by law a subscription, on the part of the United States, to the stock of the company making a canal from the Delaware river to the Raritan, in the State of New Jersey.

Mr. MACON presented the memorial of Robert Abbott, praying the passage of a law authorizing the equitable settlement of the accounts of Captain Johnston Blakeley, who, with the crew of the Wasp, was lost in the year 1814. The memorial was read, and referred to the Committee of Claims.

Mr. BARTON submitted the following motion for consideration:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of authorizing an interchange of the laws of the several States, by mail, free of postage.

Mr. LOWRIE, from the Committee on Finance, to which was referred the bill, entitled "An act concerning the disbursement of public money," reported the same, with amendments, which were read.

Mr. LOWRIE presented the memorial of the Pennsylvania Society for the Encouragement of Domestic Manufactures, praying the revision of the existing tariff. The memorial was read, and referred to the Committee on Commerce.

Mr. LOWRIE also presented the petition of Samuel Walker, of Joseph L. Dutton, and, also, of John Martin, and others, praying remuneration for the occupation and use of their property by the United States, during the late war. The petitions were severally read, and respectively referred to the Committee of Claims.

Mr. RODNEY rose and said, that, in the war which we were now waging against the pirates in the West India seas, it was proper, he thought, to give some stimulus to our seamen engaged in it. Our gallant tars, he said, were not likely to gain in such a war the honor they acquired in the late war, and, as there was but little of that to be got, he wished to supply the deficiency by providing a stimulus of another kind. He therefore asked leave to offer the following resolution:

Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency of allowing a bounty to the officers and crews of the public armed vessels of the United States; and to the owners, officers, and crews of the private armed vessels of the United States, for the prisoners captured, and the guns taken by them, in any piratical vessel.

The Senate resumed the consideration of the report of the Committee of Claims, on the petition of Joseph Janney; and it was ordered to lie on the table.

The Senate resumed the consideration of the report of the Committee on Public Lands, on the petition of Alexander A. White; and it was laid on the table.

The Senate resumed the consideration of the motion of the third instant, for instructing the Committee on Foreign Relations respecting the petition and claim of Joseph Emerson, and others; and, on motion, it was laid on the table.

The three bills last brought up from the House of Representatives, for concurrence, were read, and severally passed to the second reading.

The bill for the relief of Joshua Russell was read the second time.

The Senate resumed the consideration of the bill allowing a drawback on the exportation of cordage manufactured in the United States from foreign hemp, together with the amendment proposed thereto; and the further consideration thereof was postponed until to-morrow.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to abolish imprisonment for debt; and, on motion, the further consideration thereof was postponed to, and made the order of the day for, Thursday next.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the benefit of George Shannon; and, on motion, the further consideration thereof was postponed to, and made the order of the day for, Monday next.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act for the relief of William Sayles," and, on motion, it was laid on the table; and the petitioner had leave to withdraw his petition and papers.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act to enable the proprietors of lands held by titles derived from the United States, to obtain copies of papers from the proper department, and to declare the effect of such copies;" and, no amendment having been made thereto, it was reported to the House, and ordered to a third reading.

The bills from the House of Representatives—the first concerning the apportionment of Representatives in the State of Alabama—the second to repeal part of an act passed by the State of Maryland, in the year 1784, respecting an addition to Georgetown—severally passed through Committees of the Whole, and were ordered to a third reading.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of Joseph Forrest; and, on motion, the further consideration thereof was postponed to, and made the order of the day for, Thursday next.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act to revive and continue in force certain acts for the adjustment of land claims, in the Territory of Michigan;" in which bill they request the concurrence of the Senate. The said bill was read, and passed to the second reading.

On motion, by Mr. HOLMES, of Mississippi, the Committee on Commerce and Manufactures were instructed to inquire into the expediency of making a donation of lands lying upon the waters of Pearl river, to be appropriated, under the direction of the General Assembly of the State of Mississippi, to aid in opening and improving the navigation of said river, from the seat of government of the State to the Gulf of Mexico.

The PRESIDENT communicated a report of the Secretary of the Navy, exhibiting a statement of expenditures, in virtue of the appropriation law for the year 1822; and of unexpended balances of former appropriations for the Naval Establishment, remaining in the Treasury on the 1st of October, 1821. The report was read, and referred to the Committee on Naval Affairs.

The bill for the payment to Amos Nicholls of a sum of money for services rendered in the Navy Department; and the bill for the relief of Daniel Seward, were severally considered in Committee of the Whole, and ordered to be engrossed for a third reading.

CUMBERLAND ROAD.

The Senate then, according to the order of the day, resumed the consideration of the bill providing for the repair of the Cumberland road.

Mr. TALBOT, adverting to what had passed when this subject was last before the Senate, stated that he had addressed a letter to the Secretary of the Treasury, making the inquiries which had been suggested, and had received from the Secretary an answer thereto, (which was read to the Senate,) stating, first, that David Shriver, Esq., was, at the commencement of the Cumberland road, appointed superintendent thereof, by the President of the United States, with a salary of $1,800, which was, in 1816, increased to $2,500. That he is not now considered the superintendent, and is not in the pay of the Government. Secondly, that the Secretary had examined the correspondence of Mr. Shriver with the department, relative to repairs, but it contains no estimate of the sum necessary to effect that object; but the Secretary presumed that a sum less than $30,000 would not be sufficient for that purpose. Mr. T. said, that in addition to the data furnished by the Secretary of the Treasury, he had consulted several gentlemen well acquainted with the road—one of whom thought $30,000 necessary for its repair; another, that $25,000 would be sufficient. To satisfy those who might object to the larger sum, he would move to insert $25,000, the lowest sum which was thought adequate. Less than this he was confident would be insufficient; and, to appropriate too little, would be throwing it away, as the repairs, if left unfinished, would be of no use. He hoped, therefore, that a sum sufficient would be voted, that the work might be completed in one season.

The blank was filled with the sum of $25,000: ayes 19, noes 11.

The blank left for the per diem allowance of the superintendent of the repairs, Mr. TALBOT moved to fill with *three* dollars. He had proposed a per diem compensation in the bill, he said, because the work would occupy only a part of the year—the Summer and Autumn—and nothing could be done on it in the Winter and Spring. It

was not necessary, therefore, to give the superintendent a salary.

Mr. RUGGLES questioned whether three dollars a day would be a reasonable compensation, considering the extent of the road, and the personal expenses of the agent; but he would not move a higher sum if that were thought adequate.

The blank was filled with *three* dollars; and then the bill was, without debate or division, ordered to be engrossed, and read a third time.

TUESDAY, January 7.

On motion, by Mr. PARROTT, the Committee on Naval Affairs, to which was referred, on the 19th ultimo, the petition of George Ulmer, were discharged from the further consideration thereof, and it was referred to the Secretary of War.

Mr. LANMAN presented the petition of Ezekiel P. Beldon, praying relief, in consideration of services rendered his country during the Revolutionary war. The petition was read, and referred to the Committee on Military Affairs.

Mr. JOHNSON, of Kentucky, gave notice that to-morrow he should ask leave to introduce a bill for the relief of David G. Cowan.

Mr. BOARDMAN presented the petition of Daniel Boardman, of New York, praying that his patents, granted under the British Government, and registered at St. Helena, may be recorded in like manner as those in the district of St. Helena have been; and, also, that he may be permitted to cause a resurvey of his lands registered in his name at St. Helena. The petition was read, and referred to the Committee on Public Lands.

Mr. SEYMOUR presented the petition of John S. Larrabee, and others, who were bail and sureties for Walter Sheldon, as district paymaster in the Army of the United States, praying relief. The petition was read, and referred to the Committee of Claims.

The Senate resumed the consideration of the report of the Committee of Claims, unfavorable to the petition of Joseph Janney.

Mr. RUGGLES concluded the remarks he left unfinished on Friday, in vindication of the report of the committee.

Mr. BARBOUR replied at considerable length, in opposition to the report, and to show that the property of the petitioner was burnt by the enemy, in consequence of its occupation by a body of troops, and that therefore it came within the principle which had heretofore governed Congress in granting indemnity in such cases.

Mr. VAN DYKE (a member of the Committee of Claims) briefly explained the grounds on which the committee decided against the petition; and to show that it was not of that class of cases which had received relief from the Government.

The question was then taken on the motion of Mr. BARBOUR, to reverse the report, and negatived; and then the report of the committee was agreed to without a division.

The engrossed bills for the relief of Daniel Seward, and for the relief of Amos Nicholls, were severally read the third time, passed, and ordered to be sent to the House of Representatives for concurrence.

GEORGIA MILITIA CLAIMS.

Mr. WILLIAMS, of Tennessee, from the Military Committee, made the following report; which was read, and ordered to be printed for the use of the Senate:

The Military Committee, to whom was referred the resolution instructing them to inquire into the expediency of providing for the final settlement of the militia claims of the State of Georgia, for services rendered under orders of the President of the United States, during the years 1792, '93, and '94, report:

That, in the examination of this subject, sundry authentic letters, and other documents, were submitted to their inspection; among which, the following being deemed the most material, are here so arranged and condensed as to present to the Senate, with the least possible detail, the merits of the case, viz:

A letter from the Governor of Georgia to the Secretary of War, dated 22d of May, 1792, communicating to the Department official information of the hostile disposition of the Creek and Cherokee Indians, as manifested in the murders which they had just committed, and the houses they had destroyed by fire. After stating these facts the Governor proceeds, "When you maturely deliberate on the present position of the Federal troops, and contemplate the orders to that effect, you will doubtless foresee a series of contemplated difficulties, that may attend the Army in the event of general hostilities. The movement of the Army ought to be governed by circumstances; and, whilst it is to remain subject to orders issued at the remote distance of one thousand miles, I cannot help feeling for the situation of the defenceless settlers, scattered over an extensive frontier of at least three hundred miles! The savage depredations that have taken place for near three years past, have been considerably to the westward of the Rock Landing; from which, to the river Tugalo, there is a frontier of about one hundred and thirty miles exposed to Indian ravages. When I point out this as defenceless ground, I do not leave out of view that portion of the frontier from the river St. Mary's to the Rock Landing; for, should a pressure take place to the westward, the Indians have sufficient sagacity to retaliate on the settlers on the lower frontiers. From those considerations, additional exertions towards a general defence will be indispensable."

On the 15th of June, 1792, Major Richard McCall, the commandant of the Federal troops in Georgia, thus addressed the Governor of the State: "I have just returned from the Big or High Shoals of Oconee. On my way up I found the settlements breaking. At this particular crisis, the settlers neglecting their crops, will, of course, be an injury to the frontiers. I have, therefore, in consequence of your Excellency's permission, called into service some militia. The reports of Captains Barnet and William Strong, my letter to General Clark, and my instructions to the different officers, will show the occasion of the measure."

The Governor of Georgia was informed, by letter from Andrew Pickens, dated at Hopewell, 12th September, 1792, that the Cherokee Indians, instigated by Spanish agents, had manifested an unfriendly disposition, and that four towns had actually determined on war. That the chiefs of the Creek nation had not returned from Pensacola, but were soon expected, with

a large supply of ammunition; at which time it was expected a general war would commence between that nation and the United States. This letter was accompanied with one from Captain R. B. Roberts, commanding the United States troops at Fort Mathews, Big Shoals of Oconee, informing the Governor of the contents of a letter, received by him from Mr. Shaw, the superintendent of the Cherokee nation, which induced him to look for a predatory war, if nothing more serious. "The weakness of this post," continues the captain, ("although it is my duty to defend it to the last,) is such, as to render its tenure very precarious. The strength of it only twenty-four privates! The frontiers here are truly deplorable; no ammunition; no authority; and no settled mode adopted by Government for their protection. As I am on the spot, I hope your Excellency will not imagine I presume to dictate; but really, sir, if the militia are not called out immediately in force, this settlement will be totally broken up, and dreadful consequences will ensue." To this letter the Governor replied, on the 18th September, 1792, "That the commandant of the Federal forces had long since been served with a provisional arrangement of the militia; by which it will appear that ample provision has been made by the Government for any events that have as yet arisen; and in case emergencies should require additional aid, to the one-third of the militia under orders, agreeably to the aforesaid arrangements, there shall be no delay on my part in affording every support that the situation of the State will admit." In confirmation of this statement, copies of general orders of the years 1790 and 1792 are found among the papers referred to the committee for examination; by these the militia of the State are classed and held ready for active operations, whenever their services should be required.

On the 27th October, 1792, the Governor of Georgia was informed by the Secretary of War, of the determination of five towns of the Cherokees, consisting of from three to five hundred warriors, and aided by the Upper Creeks, to commence hostilities against the United States. But, adds the Secretary, "as Congress is on the eve of their session, this information would be communicated to them; the Constitution having invested that body with the powers of war, no offensive operations can be taken until they shall be pleased to authorize the same. At present the information does not warrant the conclusion, that more of the Cherokees than five towns, and the Creeks before mentioned, are for hostilities; but, when the flames of war are lighted up, it will be difficult effectually to restrain them within narrow limits. If the information which you may receive shall substantiate, clearly, any hostile designs of the Creeks against the frontiers of Georgia, you will be pleased to take the most effectual measures for the defence thereof, as may be in your power, and which the occasion may require." On the 18th of November, 1792, the Governor was informed, by Major Henry Gaither of the Federal troops, that, believing it to be necessary, and in consequence of his permission to do so, he had called into service two additional troops—one from Wilkes county, and the other from the county of Elbert.

In a letter of the 29th of April, 1793, the Secretary of War was thus addressed by the Governor of Georgia: "From the depositions of Benjamin Harrison and Francis Pugh, and from the information of Joseph Dabbs, there is little expectation of avoiding a general war with the Creek and Cherokee Indians. Blood has been spilt in every direction on the extended frontier of this State, and one man killed in South Carolina." After stating the plans he had adopted for temporary defence, he adds: "I shall follow this plan of operation, until measures be taken by the President for the better protection of the unfortunate settlers on this exposed frontier. If I find the pressure become great, the opposition must keep pace with the several emergencies."

On the 8th of May, 1793, his Excellency again wrote the Secretary of War, that, "such was the havoc and carnage making by the savages, in every direction, on our frontiers, retaliation, by open war, became the only resort! That the horrid barbarities recently committed, (some recitals of which were enclosed,) had compelled him to cause the additional aid of six troops of horse to be drawn into service."

On the 30th of May, 1793, the Secretary of War acknowledged the receipt of the several letters which had been addressed by the Governor to that department, and adds, "that, from considerations of policy, at this critical period, relative to foreign Powers, and the pending treaty with the northern Indians, it is deemed advisable to avoid, for the present, offensive expeditions into the Creek country. But, from the circumstances of the late depredations on the frontier of Georgia, it is thought expedient to increase the force in that quarter, for defensive purposes. The President, therefore, authorizes your Excellency to call into, and keep, in service, in addition to the regular force stationed in Georgia, one hundred horse, and one hundred militia foot, to be employed under the orders of Lieutenant Gaithet, to repel inroads, as circumstances may require." After directing the manner of forming and employing this force, the Secretary concludes thus: "The case of a serious invasion of Georgia, by large bodies of Indians, must be referred to the provisions of the Constitution. But the providing with efficacy, in future, (the necessity of which appears but too probable,) requires, absolutely, that no unnecessary expense shall be incurred in the meantime."

In reply to the Governor's message of the 8th of May, the Secretary of War, on the 10th of June, says: "The State of Georgia being invaded, or in imminent danger thereof, the measures taken by your Excellency may be considered as indispensable. You are the judge of the degree of danger, and of its duration, and will, undoubtedly, proportion the defence to the exigencies. The President, however, expresses his confidence that, as soon as the danger which has induced you to call out so large a body of troops shall have subsided, you will reduce the troops to the existing state of things, provided the safety of the frontiers will admit the measure." After speaking of some military supplies that had been forwarded, he thus concludes: "As a general and open Creek war, in the present crisis of European affairs, would be complicated, and of great magnitude, the President is anxiously desirous of avoiding such an event." Enclosed is a copy of a letter to the Governor of South Carolina, in case circumstances should require you to call for aid from that State."

The language of this letter to the Governor of South Carolina, is strongly expressive of the President's apprehensions of a state of serious hostilities with the Indians. The Secretary says to the Governor: "The President of the United States has received authentic information from Georgia, of the unprovoked and cruel

outrages of parties of Creeks upon the frontier of that State; and as it is at present uncertain to what degree the evils complained of may be extended, the President has directed me to request your Excellency, that, in case the frontiers of Georgia should be seriously invaded by large bodies of hostile Indians, you would, upon the request of the Governor of said State, direct such parties of the militia of South Carolina to march to the assistance of Georgia, as the case may require; for the expenses of which the United States will be responsible."

On the 19th of July Captain Constant Freeman was sent into Georgia, as agent of the War Department, to regulate the issues of public property to the troops who might be in the service of the United States, and to prevent or remedy any abuses which existed. Having immediately on his arrival entered on the duties of his appointment, on the 17th of October, 1793, he directed Major Gaither to attend to the instructions which he had communicated to him from the War Department, in relation to the monthly muster and inspection of the militia in the service of the United States, promising to aid the person he should appoint, with the necessary instructions.

On the 19th February, 1794, his Excellency George Mathews, who had succeeded Mr. Telfair in the government of Georgia, and having, in person, examined the exposed parts of the State, offered a plan for its defence to the War Department. He protests against the orders which forbid the militia from pursuing the Indians, whose tracks were stained with the blood of those they had just murdered, over a temporary and artificial line, as calculated to encourage the Indians, and to deprive the citizens of the State of the opportunity of reprisal, enjoyed by all nations under such circumstances. This letter is concluded with the following remarks: "I have now to request that some person may be appointed to muster the militia that now are, or have been in service, as I presume Captain Freeman has informed you of Major Gaither's having refused to make the appointment. I can, sir, with great sincerity assure you that, in the defence I may require for this State, I have not a wish to make the expense one shilling more than is requisite; and when you reflect that we possess a frontier of nearly four hundred miles, exposed to numerous tribes of hostile Indians, I flatter myself the plan I now submit will not be deemed extravagant. I have to request, if the arsenal or military stores of the United States will admit of it, that you send forward equipments for three or four hundred horse. I trust the President will not think this unreasonable, when it is taken into view that this State forms an extensive barrier, or rather picket, to the United States."

In letters of the 25th of March, and 14th of May, 1794, the Secretary of War acknowledges the receipt of Governor Mathews's letter; assents to the propriety of his plans generally, for the defence of the State, and sanctions, particularly, the erection of blockhouses throughout the whole line of exposure, at the distance of twenty-five miles apart. On the subject of the pay of the militia theretofore employed, the Secretary observes, "as to the number of militia kept up by your predecessor during the last year, no returns or muster rolls have been received, of course, no judgment can be formed of their amount; some reports have made the number before-mentioned to you. When the returns and musters shall be received, the question will be impartially considered by the President of the United States, whether, under all the circumstances of the case, he can consider himself as authorized to pay them. If he cannot, which is most probable, the question will be submitted to Congress." In relation to the muster and pay rolls, the agent of the War Department, Captain Freeman, thus addressed the Governor of Georgia, on the 28th of April, 1794, "I am very happy that your Excellency has ordered the muster and pay rolls for the militia to be prepared and forwarded; and that we so perfectly coincide respecting the nature of the service which has been performed. I make no doubt but that all obstacles will be removed as soon as the former accounts of the militia can be laid before Congress, and that, in future, regularity and order will be introduced."

On the subject of these claims, Captain Freeman, in a report to the Secretary of War, made the 25th of October, 1802, after stating what muster and pay rolls he had forwarded to the War Department, and particularly noticing those for the service termed *unauthorized*, remarks, "When the accountant received the first estimates, he required explanations relative to these claims; and afterwards, a certificate from the Governor, that the militia had been called into service for the defensive protection of the frontiers. This requisition I transmitted to his Excellency, who made a statement of the militia services. I transmitted it to the Secretary of War, from whom I received a letter, which encouraged the hope that these claims would be admitted and paid; and other letters afterwards received from the accountant, confirmed this belief. However, from the peculiar circumstances of the Government at that time, the attention of the Secretary of War was wholly occupied upon other objects; and he left the Department before any decision took place. It is proper to observe, the citizens of Georgia never thought the force authorized by the President of the United States, adequate to the protection of the frontiers."

From the foregoing exposition of the papers submitted to the examination of the committee, and the contents of others, yet to be noticed, the following facts seem to be established: That, during the years 1792–'93–'94, the State of Georgia was almost constantly in a state of serious alarm and danger from Indian hostilities, against which she was not permitted to defend herself, as was her obvious policy, by carrying the war into the enemy's country, and by burning and destroying their villages and crops, to have relieved her citizens from the painful necessity of being for years in arms upon her frontiers: That Georgia was not permitted to pursue this course, because it was the duty, and one of the attributes, of the Federal Government "to provide for the common defence;" and its policy, in this instance, having a due regard to the safety of other parts of the Union, and the success of pending negotiations with other Indian tribes, forbid a war with the Creek and Cherokee Indians: That the President became at length seriously convinced of the dangerous situation of the State, and not having Federal troops at his disposal, did, on the 27th of October, 1792, invest the Governor of Georgia with discretionary powers, in relation to the force to be employed, for the safety of the inhabitants, but confined his operations strictly to defensive measures: That the Governor continued in the exercise of this discretionary power until the 30th of May, when it was suspended by a letter of that date from the Secrearty of War; but from the increasing pressure upon

every part of the frontier, the power to act discretionary was again restored, in the broadest terms, in the letter of the Secretary, of the 10th of June, wherein he says, "The State of Georgia being invaded, or in imminent danger thereof, the measures taken by your Excellency may be considered as indispensable. You are the judge of the degree of the danger, and of its duration, and will, undoubtedly, proportion the defence to the exigency." So ample was the power thus given for defensive purposes, that, in its exercise, the Governor of Georgia was not restricted to the use of the means within the State, but was informed that the Governor of South Carolina had been required, should he request it, to order a detachment of the militia of that State to his assistance. That, under this authority, the Governor of Georgia did call out and place under the command of the Federal officers in that State, large bodies of its militia, who were employed along a frontier of nearly four hundred miles, for defensive purposes, during the periods to which this inquiry was directed; the services of which troops are acknowledged, and the estimates of the pay claimed by them, amounting to $129,375 66, are found in the documents examined by the committee. And, in relation to which, the then Secretary of War, Mr. Pickering, wrote the agent of the War Department in Georgia, in August, 1795, "the large estimate for services, about which my predecessor doubted, I have looked into, and will immediately further examine. From the complexion of these claims, connected with the Governor's certificate, which I received, enclosed in your letter of the 23d of June, I am inclined to think they must be generally admitted."

And again, in a communication to the Governor, in September following, the Secretary of War assures him that "money for paying the Georgia militia is preparing to be forwarded, no delay will take place, that is avoidable; the post is on the point of starting; I shall write you particularly by the next."

That the President did intend to intrust the defence of the State of Georgia to the discretion of the Governor, is apparent, from his requiring, as necessary to a decision on these claims, his Excellency's certificate that the troops were called into service by him, and employed for defensive purposes. That they were not, therefore, admitted and paid by the administration under which they were authorized, can be accounted for only upon the grounds suggested by the agent of the War Department, "that, from the peculiar circumstances of the Government at that time, the attention of the Secretary of War was wholly occupied upon other objects; and he left the department before any decision could be made."

Under this view of the subject, the committee are of opinion that the defence of Georgia was a necessary measure on the part of the Federal Government; but became expensive and protracted from the peculiar situation of the United States, which did not permit an invasion of the Indian territory; that the forces employed by the Governor, in defensive operations, under the authority of the President, did not exceed the exigencies of a frontier of nearly four hundred miles, constantly exposed to the incursions of treacherous enemies, inhabiting the adjacent territory; and whose security from pursuit, enabled them to convert, in safety, upon the very confines of the State, their plans of robbery and murder; and, consequently, that the expenses of this defence are justly chargeable against the United States. They, therefore, recommend the following resolution:

Resolved, That the Military Committee be instructed to report a bill appropriating $129,375 66, in full discharge of the militia claims of Georgia.

THE CUMBERLAND ROAD BILL.

The engrossed bill making an appropriation for repairing the National Road from Cumberland to the Ohio river, was read the third time, and, the question whether it should pass, being about to be put—

Mr. MACON asked that the question should be decided by yeas and nays, which were ordered.

Mr. TAYLOR, of Virginia, then rose, and in an argument of about an hour, submitted his views of the inexpediency and unconstitutionality, not only of this bill, but also of the exercise by the General Government of the power to make internal improvements at all in the States; of the impolicy and unconstitutionality of departing from the exercise of express and rightful powers, to exercise concurrent powers; the advantage and necessity of adhering to the true line of demarcation between the powers of the Federal and State Governments; his opinions as to the manner by which that line was to be ascertained, and where it exists, &c.

Mr. TALBOT said he could not forbear an expression of the surprise he experienced at the opposition which was now, for the first time, made to the passage of the bill on the table; an opposition which, at the present stage of the bill, its third reading, was not to have been anticipated, by the usage of the Senate; and of which, the honorable gentleman, (Mr. TAYLOR,) who had just resumed his seat, had afforded no previous intimation. But, notwithstanding, said Mr. TALBOT, the unusual course, in this instance, adopted by the honorable gentleman, and the unreasonable period, as it would seem to me, adopted by him, for urging his objections to this measure, yet, as it will be expected of me, as chairman of the committee who reported this bill, I feel myself stimulated by a sense of duty to myself and to the Senate, who have, in some degree, honored me with the charge of this important and interesting subject, to make some reply to the very learned, ingenious, and subtle speech which we have just heard; and, feeble and inadequate as my powers are, and inadequate to engage in debate with the venerable gentleman from Virginia, I flatter myself, with the indulgence of the Senate, to be enabled to furnish a satisfactory answer, if not a complete refutation of the objections of the honorable gentleman to the adoption of the contemplated measure.

The objections urged by the honorable gentleman to the bill, are, to the Constitutional power of the Congress of the United States to appropriate money for the contemplated object; to the expediency of the measure, upon the concession of the existence of such powers of legislation in Congress; and, lastly, to the provisions of the bill; and especially that part of it which characterizes this road, of which we propose the repair

and superintendence, by the General Government, as a national one.

In support of the first proposition, the defect of power in Congress to appropriate money for the object contemplated by the bill, the honorable gentleman set out with assuming the practicability, if not the facility, with which the clear, strong, and perspicuous lines of distinction were to be drawn between the powers of the General and the State governments; affirming that those lines of distinction might be so clearly and distinctly traced, by the mere process of reasoning by the rules furnished by him, as to produce conviction on the minds of all. If this assumption be found correct, and this beautiful theory, in the abstract, be justified by practical experiment, applying the touchstone furnished by the gentleman, to all cases, of doubtful, nice, and difficult constructions, as they arise, under our new and complicated system of Federal Government, then, indeed, will he deserve the imperishable wreath of immortal glory—and the thanks and gratitude not only of his countrymen of the present age, but of their remotest posterity. Such a discovery would be, indeed, the political *panacea* for all the ills which afflict the body politic; and a discovery not inferior in importance or beneficial efficacy, to that of the elixir of immortal life—the idle and vain pursuit of dreaming philosophers. Could the vain and fanciful ideas of the venerable gentleman be realized, the politician and statesman, with his infallible standard of Constitutional construction, like the mechanic with his square and compass, might, almost as mechanically as the workman plans and constructs his house, plan and lay down his powers of Federal and State legislation; and circumscribe, with the utmost precision, the exact limits of each; and say to the one and to the other, thus far shalt thou go, and no farther. But, a little experience in this most difficult of all sciences, Mr. President, has taught me that nothing short of the most active, constant, and vigilant exercise of the best talents of the sagacious and experienced statesman, by successive acts of legislation on cases as they arise or present themselves, growing out of the real or apparent conflict between Federal and State jurisdictions, tested by a long succession of sage experience, and matured by the best talents to which our liberal and enlightened forms of Government shall give birth, can produce that desideratum which the gentleman seems to flatter himself he himself discovered, and with which he has favored the Senate, in the speech to which we have listened with so much pleasure.

But let us proceed briefly to test the correctness of the rule, deemed so infallible and so clear, by which the gentleman imagines the respective Powers, with the limits properly to be assigned to each, is to be circumscribed. This rule of the honorable gentleman, if it was correctly understood, was this: that National, or Federal legislation, was limited to subjects of a general or foreign nature; those of the State Governments extending to, and embracing all subjects of a local or internal kind; the latter acting on, adapted to, and governed by, the interests, the feelings, prejudices, and sympathies, of those on whom they acted, and whose affairs they were to govern and control.

But a slight degree of reflection must satisfy the honorable gentleman himself, how unsatisfactory and fallacious such an attempt at definition or circumscribing the respective limits of national and State authority is, as all such attempts at general definition must be. For, let me but put it to the honorable gentleman himself, to say, whether acts of the Congress of the United States for the erection of a fortification at one point, an armory or lighthouse at another, acts, as coming within the scope of the general power to regulate foreign commerce, and to declare and prosecute war, and of the systematic exercise of which, in such establishments, the gentleman himself cannot and will not question, are not, in their very nature and essence acts of local legislation, and acts, too, having a direct and immediate bearing on the interests, feelings, and sympathies, of those in the vicinity of such erections, who are more immediately affected by those acts of legislation.

Will the gentleman deny that the act, in virtue of which the fortifications at the Rip Raps were commenced, and which are now in progress to completion, in which Virginia takes so deep an interest, was an act of usurpation on the legitimate and sovereign rights of this enlightened and patriotic State, or is within the legitimate exercise of the powers delegated, though, by implication, to the General Government, to *declare and carry on war* against other nations? When the gentleman shall be prepared to pronounce this, and a thousand other acts of a similar character, to be usurpations on the part of Congress on the sovereign powers of the States in which such erections are made, then, and not till then, will this favorite principle be considered as a test by which to define and separate the powers of national from those of State legislation.

The truth is, Mr. President, and a most obvious one it is, that all legislation, either that of the States, or of the nation, is either general, embracing the whole of the States or of the nation; or embracing only a portion, or a particular point or spot of the State or of the nation; and is consequently more or less local in its operation. Wherefore, no principle can be more fallacious than that furnished by the venerable gentleman as an infallible *test* for defining the boundaries between the Federal and the State sovereignties. Nor is it within the scope of human wisdom to discover or furnish to the politician, or legislator, any such infallible and unerring guide to the immediate solution of all the nice and delicate questions which have arisen, and will arise, from the real and apparent conflicts and collisions between our Federal and State authorities; which, whenever they do arise, will demand, and should receive, the most close and attentive investigation, aided by all the lights of past experience, and all the skill and wisdom of the enlightened and philosophical legislators who are called upon to decide and act upon them. To such may, and must

be confided, by the theory of our Constitution, and not to the recluse and retired scholar, issuing from his closet, covered with the dust and cobwebs of his study, maxims and rules for the construction of constitutions, for the observance and government of the enlightened legislator engaged in the active scenes of practical legislation for his country.

These remarks, Mr. President, I have thought proper to submit, in reply to the observations of the venerable gentleman, founded on the supposed principle in the construction of Federal powers, that all local or geographical legislation—noting upon the peculiar interests, feelings and sympathies of the people to be affected by such legislation—belonged to the States and was denied to the General Government. The gentleman has not denied to the General Government the exercise of such powers as are or may be fairly implied from those expressly delegated by the Federal Constitution; nor is it contended, by any statesman of standing, for talents or reputation in the country, that the powers to which I have before alluded are not fairly and clearly deducible from the powers delegated to the General Government to declare and prosecute war, and to regulate commerce with foreign nations. If, therefore, the power delegated of regulating commerce with foreign nations, carries with it, irresistibly, in the minds of all, the incidental or implied power of erecting navies, building ships of war, erecting fortifications to protect our harbors, lighthouses, buoys, sea walls, for the protection, defence, and facility of our foreign or external commerce; upon what principle, or what train of reasoning, can it be contended that the correlative power of regulating interior commerce—that is, the commerce between the States—does not confer, by the same irresistible implication, the same or similar powers with those conferred, in the opinion of all, by the power of regulating foreign commerce? Is the power conferred in relation to foreign commerce designed by the framers of the Federal Constitution for the purpose of enabling Congress, by the wisdom of their regulations, to improve, facilitate, and ameliorate, by the wisdom of their enactions, so as to promote, as far as possible, the prosperity and happiness of the people of the United States; and was not the power conferred and delegated in the same language, of regulating commerce between the States, intended for the same wise, enlightened, and benevolent purpose? And if, by the power of regulating commerce between the States, the improvement and the facilitation of that commerce can be best effected by the opening of roads and canals, for the transportation of the productions of one State to another adjacent or contiguous State—and, indeed, these seem to be almost, if not entirely, the only means by which these objects could be effected—upon what principle of good sense, or with what reverence for the framers of this instrument (the admiration of America, and of the enlightened world!) can this power of opening roads and canals be denied to the Congress of the United States? Was the power of regulating commerce between the States designed by the enlightened framers of the instrument to confer powers calculated in their exercise for the improvement or the deterioration of that important branch of commerce? Did they intend to confer alone the powers of imposing burdens on this valuable internal commerce, such as duties on imports or exports from one to another State; or, by other odious or onerous measures, obstruct this natural and fraternal intercourse between the States? None but a madman could indulge the supposition. If, then, the power designed to be conferred was one beneficial to the nation, and promotive of its prosperity and happiness, will the honorable member from Virginia condescend to inform the Senate with what view, to what purpose, was this "power to regulate commerce between the States" conferred upon the Congress of the United States, if the power to make roads and canals—the only, or almost the only means within the competency of the General Government of promoting, aiding, or facilitating commerce between the States—be denied in the construction of the Constitution? It is not by the erection of fortifications or lighthouses, or fixing buoys within the bosom of the States; this belongs to external or foreign commerce; and in construing the powers of Congress in the regulation of foreign commerce, was proper, and has been approved by the voice of the nation. But, when it concerns the business of improving the internal commerce between the States, the furious partisans of State rights are in arms; the tocsin of alarm is sounded; the territorial rights of the States are about to be invaded as by a foreign foe, for devastation and destruction, and not by a parental Government of your own formation, of your own representatives, elected by yourselves, and legislating in common for themselves and you; by a Legislature, one branch of it coming from the States, citizens of the States, having every endearing motive for upholding its legitimate and sovereign rights; the other elected by the States themselves, which they represent, immediately, in their aggregate or sovereign capacity. And is there danger to be apprehended that a Congress thus constituted can ever be assailed by motive, or exposed to temptation, to invade the territorial rights of States, to the detriment of their true interest, or the infringement of their legitimate State sovereignty? Surely none.

But, passing by this point, on which I have detained the Senate much longer than I had intended, as well from an unfeigned respect for the venerable gentleman who opposes this bill as from the vast importance of the Constitutional question which the gentleman has raised and urged with so much ingenuity, against the adoption of the measure under consideration, the importance of this question, and the measures to which a decision affirming the power of Congress to make roads and canals, which the gentleman questions, I feel with the most anxious and lively sensibility—and, indulging as I do the fervent hope of seeing it result ere long in the adoption of a general system of internal improvements; the adoption of which is my most ardent prayer—I will proceed

to make a few remarks on the next ground urged by the gentleman against the adoption of this measure, that is, the inexpediency of passing the bill on your table. And on this point, whatever may be the opinions of honorable gentlemen, here, of the Constitutional powers of Congress to open or establish roads for commerce, for transportation of the mails, or otherwise, I flatter myself that the small appropriation required by this bill for the immediate repair of a road established and completed, now dilapidated, and going rapidly to decay and ruin, will receive the assent of all, or at least of a large majority of this honorable body. For, the question presented for decision now is, not whether the power by which this road was laid out, and by successive acts of appropriations made and completed, during a period of some fifteen or twenty years, with the approbation of so many and such enlightened legislators, under such diversity of circumstances, and under the influences of such infinite variety of political feelings and principles, and sanctioned by such a succession of enlightened and patriotic Presidents, who have filled the Chair of State during the progress of this work—a road which, in its progress and completion, has cost the Government the enormous sum of $1,800,000 was constitutionally established; but, whether that destruction of this beautiful and costly road, which is now progressing with such rapid pace, shall be arrested, and the road placed for once in complete repair, by the appropriation of the sum contemplated in the bill—this is the true, and now the only question. The road is made. The money of the nation has been expended with the approbation and solemn sanction of the nation, expressed through its proper organ, the Representatives of the people in Congress assembled. And shall the appropriation of a small sum of money for its repair and superintendence be now refused, at a crisis when its application is so essential for its preservation from total ruin, and under the full conviction that there is no other power to which an appeal, with the slightest hope of success, except that which is now called upon to act, can or will be made? The States through which it passes, and who, before the adoption of this measure by the General Government, had given their assent, and, with their consent transferred complete jurisdiction and ample authority to the government of the nation to execute the work as one of national concern, and for the nation's good, disclaim all duty or obligation on their part to preserve the road in repair; and it devolves, at least for the present, on the nation, who have executed a work so truly national, to preserve their work from threatened ruin.

The rapid and constantly accelerated progress of the decay which this noble work exhibits to the traveller is as much calculated to surprise as to mortify us, and is to be attributed, in a great degree, to the inaccessible and rugged character of the country over which it affords a safe and easy passage across the entire range of the Alleghany mountains, which is traversed by it for some eighty or one hundred miles, winding for much of this distance around heights and precipices of steep and rugged aspect, and almost impassable before the execution of this noble work. From these heights above, the fragments of overhanging rock are often precipitated. The superincumbent earth is often sliding down under the influence of Summer rains and Winter storms, as well as frost, by which the road is filled and obstructed from above, and its artificial bed shoved and propelled on its lower side; by which its final ruin would, in a few years, be effected, without the aid of timely and suitable repairs.

But, the proper time for these repairs has, in the present instance, been suffered to elapse without their application; and to this unfortunate omission in not appropriating the sum required for this purpose at the last session—an omission certainly not ascribable to the body I now address, by which, bills, having this subject in view, passed some two or three different times—it is to be ascribed, that, instead of the sum of $9,000, the sum then deemed and still believed fully adequate to the attainment of an object so desirable, now requires the increased sum of $25,000, which is deemed at present, with the most economical and faithful application, barely adequate to place this road in a state of complete repair. Such has been the fatal influence of delay in the application of a sum so indispensable to an object of such deep and vital interest to several portions of the Union, and one deserving to be cherished by all!

On the great value and importance of this road, Mr. President, it would be superfluous for me to descant. There is surely none so dull or so blind to the true interests of this nation, and to its Government, to the perpetuation of its prosperity and its liberties, as not to see, and, perceiving, not to appreciate.

In a commercial point of view, this noble highway, for the transportation of the goods and merchandise from the mercantile cities, on the Atlantic border, to the West, with the corresponding transfer of the agricultural and other productions of the vast regions beyond the Allegany mountains to the market of the East—markets which those inhabiting this portion of the Union have so deep an interest to retain—the facility and consequent cheapness of transportation which this road has introduced is almost incredible, and affords the most decisive and conclusive evidence, if any were wanting, of the immense advantages to be derived to internal commerce from the construction of artificial roads. The effect of which, in its practical consequences, is to level and reduce, for all purposes of travelling and transportation, the most rugged, impassable, and inaccessible mountains.

But, if the advantages of such a highway to commerce, to all classes, and in every region almost of our extended empire, and to the poor emigrant, with his one-horse cart, or his Yankee wagon, in transporting himself from the Eastern to the more fertile regions of the West, are so vast, and deserve to be so highly appreciated, of how much more extended and exalted character, in the eye of the patriot and the statesman, whose first wish is the perpetuation to all future times of our

happy Union, is such a *mean* of communication between the two great leading divisions of our widely extended but happy regions? In this, its political point of view, highways like this, Mr. President, present benefits to the nation, inappreciable in the extent of their future happy consequences. In this respect, such highways become one of the strongest bands—one of the firmest cements of union, which the wisdom and benevolence of the enlightened and philosophical statesman can invent or conceive. It is by their agency in furnishing the means and the inducements to frequent, cheap, and easy communication, between the different and distant parts of these United States, the freedom of social and commercial intercourse brings together individuals from the different portions of our empire; gradually wears off those asperities and peculiarities of manner and temper, on either side, by which harmony and good feelings are produced, cherished, and cultivated between citizens of different portions of the Union, who, but for such approximation, are brought by slight and unessential differences in customs, manners, or habits, to despise and to hate each other; and by thus inculcating the new sentiments of brothers of the same great family, the members which compose our great political society are taught to cherish such sentiments of harmony and good will towards each other, and towards the Union, as must tend, more strongly than any other cause, to the perpetuation of the blessings of our Union—the only safeguard for the protection and perpetuation of our inestimable liberties. Such, Mr. President, are the advantages, feebly portrayed or hastily glanced at, to be attained by the opening of roads and canals for the improvement and facility of internal commerce—measures so much and so ardently to be desired, and of which this Cumberland road stands as yet a solitary specimen.

But the venerable gentleman not only objects to the bill on your table, on the grounds of want of Constitutional power to make appropriation for the object contemplated, and the expediency of making such appropriation, were the right to do so fully conceded to Congress, but he takes strong offence at the phraseology of the bill in which this Cumberland road is designated as national. I must confess, Mr. President, whatever may be the feelings or sentiments excited in the gentleman by this designation, to me it seems entirely appropriate, not only as descriptive of the road thus indicated, but as an attribute to which this highway has the fairest and the most unquestioned claim. And that to me it is a subject of pride as well as pleasure, to use a word so truly characteristic of this road as regards its origin, its construction, and its designation. Projected by the wisdom of its counsels, executed with the nation's means, and destined, in all times to come, for the nation's use, and constituting one of its proudest monuments, it is in every sense truly and emphatically national, and one every way entitled to that proud denomination. And I can assure you, Mr. President, that often as it has been my destiny to travel on this highway from the region beyond the mountains, to attend my humble duties in this place, that I never do so without feeling a swell of generous and proud emotion at the reflection that the road I pass on is, in its design and construction, worthy the character of the nation to whom it appertains; was the work of the nation amongst whose citizens I am proud to count myself; and that such a work is not the work or property of any one State, however great, or rich, or powerful, of our immense Confederacy, but of the nation.

This road, Mr. President, is, indeed, a work worthy the nation by whom it was made, and to whom it appertains, and, after the enormous sums which have been expended from its coffers in the construction of such a monument to its wisdom and its glory, I can never persuade myself that the Congress of the United States will incur the reproach of permitting such a work to go to decay and ruin, for want of the small sum required by the bill to place it once more in complete repair, and make it what it was intended to be by those to whom we owe its origin and completion.

When Mr. TALBOT had concluded—

Mr. SMITH, of Maryland, followed on the same side. He urged particularly the breach of faith which, if the Cumberland road were allowed to fall into decay, would ensue with the State of Maryland, which had given her consent to make the road through that State, and had subsequently taxed her citizens to make connecting roads. He also contended for the constitutionality and the expediency of internal improvements by the General Government, and replied to Mr. TAYLOR, on that point.

Mr. MACON merely remarked, in reference to an argument used in the debate, that, as this road was authorized originally to be made through the respective States, with their consent, there had not been, so far as the Constitutional question went, any broad Constitutional question settled by the making of the road.

Mr. VAN BUREN offered a few observations on an incidental point touched by Mr. TAYLOR; adding the opinion, that the large expenditure in making this road will have been worse than useless, if it were now suffered to go to decay, and his desire to see it preserved.

The question being then taken on the passage of the bill, it was carried, by the following vote:

YEAS—Messrs. Barton, Benton, Boardman, Brown of Louisiana, Brown of Ohio, D'Wolf, Dickerson, Edwards, Holmes, of Maine, Holmes of Mississippi, Johnson, of Kentucky, Johnson of Louisiana, Knight, Lanman, Parrot, Ruggles, Seymour, Smith of Maryland, Stokes, Talbot, Taylor of Indiana, Thomas, Van Buren, Van Dyke, Williams of Mississippi, and Williams of Tennessee—26.

NAYS—Messrs. Chandler, Findlay, Gaillard, Lloyd of Massachusetts; Lowrie, Macon, Mills, Smith of South Carolina, and Taylor of Virginia—9.

The bill was then ordered to be sent to the House of Representatives for concurrence.

The Senate then, on motion, adjourned until to-morrow.

WEDNESDAY, January 8.

JOHN ELLIOTT, from the State of Georgia, attended this day.

Mr. NOBLE presented the memorial of Winthrop Robinson, now of Indiana, praying relief, in consideration of services rendered during the Revolutionary war. The petition was read, and referred to the Committee on Pensions.

Mr. EATON, from the Committee on Public Lands, to which was recommitted the bill for the relief of the representatives of John Donelson, Thomas Carr, and others, reported the same, with an amendment, which was read.

The Senate resumed the consideration of the motion of the 6th instant, for instructing the Committee on the Judiciary to inquire into the expediency of modifying the act for the establishment of a territorial government in Florida, so as to grant the right of appeal to the Supreme Court of the United States, and agreed thereto.

The Senate resumed the consideration of the motion of the 6th instant, for instructing the Committee on the Post Office and Post Roads to inquire into the expediency of authorizing an interchange of the laws of the several States, by mail, free of postage, and agreed thereto.

The Senate resumed the consideration of the motion of the 6th instant, for instructing the Committee on Roads and Canals in relation to stock of the company for making a canal from Delaware river to the Raritan, and agreed thereto.

Mr. JOHNSON, of Louisiana, presented the resolution of the Legislature of the State of Louisiana, instructing their Senators and Representatives in Congress, in relation to the lands reserved for schools in that State. The resolution was read, and referred to the Committee on Public Lands.

The bill, entitled "An act to amend an act, entitled 'An act further to regulate the entry of merchandise imported into the United States from any adjacent territory,'" was read the second time, and referred to the Committee on Finance.

The bill, entitled "An act in addition to an act to continue in force 'An act to protect the commerce of the United States, and to punish the crime of piracy; and, also, to make further provision for punishing the crime of piracy,'" was read the second time, and referred to the Committee on the Judiciary.

The bill, entitled "An act to continue the present mode of supplying the Army of the United States," was read the second time, and referred to the Committee on Military Affairs.

The bill, entitled "An act to revive and continue in force certain acts for the adjustment of land claims, in the Territory of Michigan," was read the second time, and referred to the Committee on Public Lands.

The bill entitled "An act to enable the proprietors of lands held by titles derived from the United States, to obtain copies of papers from the proper department, and to declare the effects of such copies," was read a third time, and the further consideration thereof was postponed until Saturday next.

The bill entitled "An act to repeal part of an act passed by the State of Maryland, in the year 1784, and now in force in Georgetown, in the District of Columbia, entitled 'An act for an addition to Georgetown, in Montgomery county,'" was read a third time, and passed.

The bill concerning the apportionment of representatives in the State of Alabama was read a third time, and passed.

Mr. SMITH, of South Carolina, submitted the following motion for consideration:

Resolved, That the Committee on Commerce and Manufactures be instructed to inquire into the expediency of erecting a lighthouse, or beacon, on Cape Romain, in the State of South Carolina, for the protection and security of the navigation in that vicinity.

Mr. SMITH, of South Carolina, presented the petition of John L. Wilson, and others, inhabitants of the State of South Carolina, praying a division of the State into two judicial districts. The petition was read, and referred to the Committee on the Judiciary.

Mr. BARTON gave notice that to-morrow he should ask leave to introduce a bill to remit to the State of Missouri the postage on certain law books.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act to provide for the appointment of an additional judge for the Michigan Territory, and for other purposes;" and, also, a bill, entitled "An act making a partial appropriation for the support of Government for the year one thousand eight hundred and twenty-three;" in which bills they request the concurrence of the Senate.

SUPPRESSION OF PIRACY.

The resolution offered by Mr. RODNEY on Monday, instructing the Committee on Naval Affairs to inquire into the expediency of allowing a bounty to the public armed vessels and private armed vessels of the United States, for prisoners captured and the guns taken by them in any piratical vessel, was read for consideration.

Mr. RODNEY said he thought that in the war we were waging against the bucaniers of the West Indian seas, the Government ought to hold out inducements to our officers and seamen, greater than were now offered to them, and thus do all in its power to put a speedy end to the war. In such a warfare, he had no idea that there was any thing like honor to be acquired, and as that stimulus was not afforded to the brave men who would be engaged in prosecuting it, something ought to be held out to them in its place. It was a warfare of much danger; the service was arduous, and the exposure, day and night, which such a service required, was, in those seas, extremely hazardous, from the great liability to the fatal diseases of the climate. He thought, also, that some encouragement ought to be held out to private armed vessels to co-operate, as far as possible, in bringing this war to a close. What that encouragement ought to be, he could not say; that would be left to the wisdom of the Senate. The late war afforded, however, a precedent for his object,

and that was the amount of the bounty. In that contest a bounty of $25 for each prisoner was at first allowed, and, subsequently, $50 were granted. The bounty which he proposed, Mr. R. said, would have the further effect of inducing sailors to enter the public service, and thus place promptly in the hands of the officer charged with conducting the expedition (and a most suitable and excellent appointment it was) the means of prosecuting the war effectually. It was demanded by the interest of the country, Mr. R. said, that it should be so prosecuted, and ended as soon as possible, as the commerce of the country had suffered, from the depredations of piracy, a degree of prostration which it had not experienced for a long time before. Under these impressions, he had offered the resolution for the investigation of the Naval Committee.

The resolution was agreed to.

DRAWBACK ON CORDAGE.

The Senate then, according to the order of the day, resumed the consideration of the bill to allow a drawback on the exportation of cordage manufactured from foreign hemp—the question being on the amendment proposed by Mr. CHANDLER, which provided that the hemp of which the cordage claiming drawback is manufactured, had been imported within one year preceding, &c.

Mr. D'WOLF assigned the reasons why he thought this amendment unnecessary and inexpedient.

Mr. CHANDLER had proposed the amendment on the spur of the moment, and it might be defective; but he thought something of the kind necessary, to prevent ship-owners from exporting to some foreign place the cordage necessary for their own use, to rig their vessels there, as occasion required, and thus get clear of the duties on the hemp used by themselves, by receiving the drawback.

Mr. LLOYD, of Massachusetts, was in favor of the principle of the amendment. He felt obliged to the gentleman from Rhode Island for bringing this bill forward, but he thought it very unguarded in its provisions. To remedy what he conceived a defect in the bill, he had prepared an amendment, different in form from that before the Senate, and which he read. To give an opportunity for trying this instead of his own, Mr. CHANDLER withdrew his amendment; and Mr. LLOYD then offered the amendment which he had read, but, at the request of Mr. D'WOLF, who wished to offer some remarks on the bill, in reply to its opponents, Mr. L. waived his amendment for the present.

On this the debate was resumed, on the general merits of the bill, and continued until past three o'clock. The discussion embraced a variety of views of the probable effects of the measure, on the navigation, the manufactures, and the revenue of the country—of the condition of the different interests of the nation—what had been done, and what ought to be done, for them respectively, by the Government—the course of trade as pursued to different parts of the world, &c. Mr. D'WOLF, Mr. LLOYD of Massachusetts, and Mr. SMITH of Maryland, supported the bill; and Mr. DICKERSON and Mr. FINDLAY opposed it—each of the gentlemen at considerable length, and some of them repeatedly. At the close of the general debate—

Mr. LLOYD renewed the amendment he had waived, which was, to require of the person making application for the drawback, to "produce such satisfactory proof to the collector, in the form and under the attestations to be prescribed by the Secretary of the Treasury, that the cordage so proposed to be exported, was truly made and manufactured exclusively from imported hemp, as stated in said entry."

This amendment was opposed by Mr. D'WOLF, and supported by Mr. LLOYD.

Mr. LOWRIE moved to amend the amendment, so as to confine the operation of the bill to hemp which shall be imported after the passage of the bill; because, if extended to all the hemp and cordage now in the country, it would very materially impair the estimated revenue.

Mr. LLOYD, of Massachusetts, offered some reasons to show that this amendment would destroy the object and the useful effects of the bill.

The amendment moved by Mr. LOWRIE was agreed to—ayes 21; and then the amendment offered by Mr. LLOYD was agreed to as amended.

The question was then taken by yeas and nays on engrossing the bill and reading it a third time, and was negatived by the following vote:

YEAS—Messrs. Boardman, Chandler, D'Wolf, Holmes of Maine, Knight, Lanman, Lloyd of Massachusetts, Mills, Morril, Palmer, Parrott, Ruggles, Seymour, Smith of Maryland, Van Buren, and Van Dyke—16.

NAYS—Messrs. Barton, Benton, Brown of Ohio, Dickerson, Edwards, Findlay, Gaillard, Holmes of Mississippi, Johnson of Kentucky, Johnson of Louisiana, King of Alabama, Lowrie, Macon, Rodney, Smith of South Carolina, Southard, Stokes, Talbot, Taylor of Indiana, Taylor of Virginia, Thomas, Ware, Williams of Mississippi, Williams of Tennessee—24.

So the bill was rejected.

THURSDAY, January 9.

Mr. WILLIAMS, of Tennessee, from the Committee on Military Affairs, to which was referred the bill, entitled "An act to continue the present mode of supplying the Army of the United States," reported the same without amendment.

Mr. RUGGLES presented the petition of Henry Johnson, of Ohio, praying the donation of a small portion of public land, for reasons stated in the petition; which was read, and referred to the Committee on Public Lands.

Mr. LOWRIE presented the memorial of the Chamber of Commerce of Philadelphia, praying the erection of certain permanent and floating lights. The memorial was read, and referred to the Committee on Commerce and Manufactures.

Mr. BARTON asked and obtained leave to introduce a bill to remit to the State of Missouri the postage on certain law books. The bill was read, and it passed to the second reading.

Mr. JOHNSON, of Kentucky, asked and obtained leave to introduce a bill for the relief of David G. Cowan. The bill was read, and passed to the second reading.

Mr. JOHNSON also presented the petition of David G. Cowan, praying a law may pass, allowing the equitable settlement of his accounts, for reasons therein stated; and the petition was read.

Mr. TAYLOR, of Virginia, gave notice that to-morrow he should ask leave to introduce a resolution to amend the Constitution of the United States.

Mr. LOWRIE submitted the following motion for consideration:

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of providing by law for the sale of the tracts of the public land on which are lead mines or salt springs, which have heretofore been reserved from sale, or may hereafter be surveyed by the United States.

Mr. EATON presented the memorial of Edward Doyle, praying indemnification for the destruction of his property during the Seminole war. The memorial was read, and referred to the Committee of Claims.

Mr. BENTON pesented the petition of James McClung, praying the payment of an outstanding certificate, issued to his father for a horse impressed in the public service. The petition was read, and referred to the same committee.

Mr. NOBLE submitted the following motion for consideration:

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of amending the act of Congress, entitled "An act granting a tract of land to William Conner and wife, and to their children," approved 7th May, 1822, so as to vest the fee simple to the tract of land therein named, in the said William Conner.

The Senate resumed the consideration of the report of the Committee on Military Affairs, on the militia claims of the State of Georgia, for services rendered under orders of the President of the United States during the years 1792, 3, and 4; and, on motion, the further consideration thereof was postponed until Thursday next.

The Senate resumed the consideration of the motion of the 8th instant, for instructing the Committee on Commerce and Manufactures to inquire into the expediency of erecting a lighthouse or beacon on Cape Romain, and agreed thereto.

On motion, by Mr. LANMAN, the petition of Samuel Harrison, agent for the heirs of Captain Jonathan Carver, praying for the recognition of an Indian deed for a tract of land near St. Anthony's Falls, on the Mississippi, presented at the first session of the Ninth Congress, was referred to the Committee on Public Lands.

The two bills last brought up from the House of Representatives, for concurrence, were read and severally passed to the second reading.

The bill, entitled "An act to provide for the appointment of an additional judge for the Michigan Territory, and for other purposes," was read the second time, by unanimous consent, and referred to the Committee on the Judiciary.

The bill, entitled "An act making a partial appropriation for the support of Government for the year 1823," was read the second time, by unanimous consent, and referred to the Committee on Finance.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of the representatives of John Donelson, Thomas Carr, and others, together with the amendment reported thereto by the Committee on Public Lands; and, the same having been agreed to, it was reported to the House; and, the amendment being concurred in, the bill was ordered to be engrossed and read a third time.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of Joseph Forrest; and, on motion, it was laid on the table.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of Joshua Russell; and, no amendment having been made thereto, it was reported to the House, and ordered to be engrossed and read a third time.

IMPRISONMENT FOR DEBT.

The Senate, according to the order of the day, took up the bill to abolish imprisonment for debt.

Mr. VAN BUREN moved, by way of amendment, a substitute for the bill, embracing several sections, and a variety of provisions, and qualifications of the broad principle laid down in the original bill. He followed his motion with some remarks explanatory of the amendment he offered, and the reasons why he deemed the bill inexpedient without his modifications.

Mr. MILLS, of Massachusetts, also submitted his objections to the bill as originally proposed, the reasons why he could not support it unless materially modified, and certain amendments which he should offer in addition to those already proposed.

Mr. JOHNSON, of Kentucky, replied to both the preceding gentlemen, and defended the bill against their objections.

The bill was then laid over until to-morrow, to give time to prepare the further amendments which had been suggested.

The bill from the House of Representatives concerning the disbursement of public money, reported yesterday from the Committee of Finance, with amendments, was taken up; and, after some explanations by Mr. LOWRIE, they were agreed to, and the bill then postponed to Monday, for the purpose of having it printed as amended.

[The amendments provide—first, that nothing contained in the bill shall be so construed as to restrain the Secretaries of any of the Departments from requiring such returns (besides the returns prescribed by the bill to be rendered every three months by officers in the United States, and every six months by those abroad) from any officer or agent, subject to the control of such Secretaries, as the public interest may require. Secondly, that in all cases where any officer in default shall

account to the satisfaction of the President of the United States, such officer may be continued in office, any thing in the bill to the contrary notwithstanding.]

FRIDAY, January 10.

The bill for the relief of the representatives of John Donelson, Thomas Carr, and others, was read a third time, and passed.

The bill for the relief of Joshua Russell was read a third time, and passed.

The bill from the House of Representatives, making a partial appropriation for the expenses of Government for the current year, was reported by Mr. LOWRIE, from the Committee of Finance, without amendment. The bill was subsequently taken up in Committee of the Whole, and considered, and ordered to a third reading, and was thereupon, on motion of Mr. LOWRIE, read a third time, by general consent, passed, and returned to the House of Representatives.

The Senate resumed the consideration of the motion of the ninth instant, in relation to the public lands on which are lead mines or salt springs, and agreed thereto.

The Senate also resumed the consideration of the motion of the ninth instant, in relation to William Conner, and agreed thereto.

The bill to remit to the State of Missouri the postage on certain law books, was read the second time, and referred to the Committee on the Post Office and Post Roads.

The bill for the relief of David G. Cowan, was read the second time, and referred, together with said Cowan's petition, to the Committee of Claims, to consider and report thereon.

Mr. VAN DYKE, from the Committee on Public Lands, to which was referred the petition of James Shackelford, and others, and also the petition of Jacob Lindsay and others, reported a bill granting to the State of Alabama the right of pre-emption to certain quarter sections of land. The bill was read, and passed to the second reading.

Mr. RODNEY submitted the following motion for consideration:

Resolved, That the Committee on Commerce and Manufactures be instructed to inquire into the expediency of fixing light vessels at or near the shoals called the Brandywine, and Middle Grounds, in the Bay of Delaware, or at such other place or places as may render the navigation thereof more safe and convenient; and also to inquire into the expediency of erecting a lighthouse at Fort Delaware.

The bill entitled "An act for laying out and making a road from the Lower Rapids of the Miami of Lake Erie to the western boundary of the Connecticut Western Reserve, in the State of Ohio, agreeably to the provisions of the Treaty of Brownstown," was read the second time, by unanimous consent, and referred to the Committee on Roads and Canals.

A message from the House of Representatives informed the Senate that the House have passed a bill entitled "An act for laying out and making a road from the Lower Rapids of the Miami of Lake Erie to the western boundary of the Connecticut Western Reserve, in the State of Ohio, agreeably to the provisions of the Treaty of Brownstown;" and also a bill entitled "An act to confirm certain claims to lots in the village of Peoria, in the State of Illinois;" in which bills they request the concurrence of the Senate.

The said two bills were read, and severally passed to the second reading.

The bill entitled "An act to confirm certain claims to lots in the village of Peoria, in the State of Illinois," was read the second time, by unanimous consent, and referred to the Committee on Public Lands.

The bill to abolish imprisonment for debt was taken up, when

Mr. JOHNSON, of Kentucky, submitted some amendments in addition to those offered by Mr. VAN BUREN; and then all the amendments were ordered to be printed, and the bill postponed to Monday next.

The bill from the other House, to continue the present mode of supplying the Army, was taken up in Committee of the Whole.

Mr. WILLIAMS, of Tennessee, observed that, when the act first passed adopting the commissariat system, as it was an experiment in our Military Establishment, it was made temporary and limited to five years. If the system were to be continued, it was now necessary to legislate on it. He for one wished that the system should be made permanent, as it had completely answered the expectations of its friends; but the House of Representatives had thought it best to limit it to five years, and he acquiesced in the limitation.

The bill was reported without amendment, and ordered to a third reading.

AMENDMENT OF THE CONSTITUTION.

Mr. TAYLOR, of Virginia, rose to ask leave (of which he yesterday gave notice) to introduce a resolution proposing an amendment to the Constitution of the United States. Mr. T. prefaced his motion with a few remarks. He adverted to the circumstances which led to the former amendment of the Constitution in relation to the election of President and Vice President of the United States, by which it was required that the person should be designated for each office by the Electors. He described the evil which that amendment was intended to cure, and said that if it had been foreseen that the evil could occur in a different form, the remedy would have been extended to meet it. Mr. T. deprecated any improper fastidiousness in recurring to the Constitution, either for instruction or for its improvement. If ever the time should arrive when it would be considered as unwise or ridiculous to do so, the powers of the Constitution would become remitted, and merged in legislation and precedents; and we should gradually return to the spirit, the principles, and the practice, of the British Government, where precedent and legislation controlled every thing. Mr. T. inculcated, impressively, a constant attention to the Constitution; the practice of testing every act of legislation by it; and a vigi-

lant care not only that its powers should be rigorously exercised, but that it should be repaired and improved whenever the public good should require it to be done. If an appropriation of money, he argued, were necessary to repair a public road, it might be said, with equal propriety, that an appropriation of attention and care were necessary to keep the Constitution in repair. Inattention to that, he said, would produce in it furrows and dilapidation, and would bring it into the same disuse that neglect would cause in a public road. Mr. T., after other remarks of the same character, and to enforce the same general sentiment, went on to say that whenever any opinions or wishes were demonstrated to be general with the people, they ought to be attended to and put in practice. It was manifest, he thought, that this was the case in regard to the present mode, in the last resort, of electing the President of the United States, and that the people universally deprecated the election of the President by the House of Representatives. Thinking so, he had sought to provide a remedy, and therefore asked leave to introduce the following joint resolution:

Resolved by the Senate and House of Representatives of the United States of America, two-thirds of both Houses concurring, That the following amendment to the Constitution of the United States be proposed to the Legislatures of the several States:

"The Electors of a President and Vice President shall meet on the —— day of —— next preceding the expiration of the time for which the existing President may have been appointed; vote for a President and Vice President, according to the Constitution; and make two lists of all persons voted for, to be signed and certified by them; one to be delivered, sealed, to the President of the United States, within —— days thereafter, to be opened and examined by him. And if it shall appear that no person has received the votes of a majority of the Electors appointed, the President of the United States shall forthwith, by proclamation, and also by notifications to the Executive of each State, publish the number of votes given to each person as President. Whereupon, the said Electors shall again meet on the —— day of —— next succeeding their first meeting, and vote for one of the two persons as President, who shall have received, at their first meeting, the greatest number of votes for that office. Or, if it should happen that more persons than two should have received the greatest number, and also an equal number of votes, the said Electors shall vote for one of them as President. The said Electors shall transmit one of the lists to be made at their first meeting, and also that to be made at their second, (should it take place,) to be proceeded upon as the Constitution has prescribed, except that the person having the greatest number of votes at the second meeting of the said Electors shall be the President. But if two or more persons shall have received the greatest and an equal number of votes at the second meeting of the said Electors, the House of Representatives shall choose one of them for President, in the mode prescribed by the Constitution."

The leave was granted, and the resolution was read, and passed to a second reading.

Adjourned to Monday.

MONDAY, January 18.

The PRESIDENT communicated a report of the Secretary of War, to whom was referred the petition of George Ulmer. The report was read, and referred to the Committee on Naval Affairs.

The PRESIDENT communicated a letter from the Secretary of the Treasury, transmitting reports made under an act supplementary to the several acts for the adjustment of land claims in the State of Louisiana. The reports were read, and referred to the Committee on Public Lands.

Mr. RUGGLES, from the Committee of Claims, to which was referred the petition of Archibald F. Macneill, of North Carolina, made a report, accompanied by a resolution that the prayer of the petitioner ought not to be granted.

Mr. HOLMES, of Maine, presented the petition of John Low, a soldier of the Revolution, praying to be placed on the list of pensioners. The petition was read, and referred to the Committee on Pensions.

Mr. BARBOUR, from the Committee on Foreign Relations, to which the subject was referred, reported a bill to regulate the commercial intercourse between the United States and certain British colonial ports. The bill was read, and passed to the second reading.

Mr. BARBOUR presented the petition of Walker K. Armistead, praying the passage of a law authorizing the equitable settlement of his accounts. The petition was read, and referred to the Committee of Claims.

Mr. DICKERSON presented the petition of Samuel Howell, of New Jersey, praying compensation for services rendered his country during the Revolutionary war. The petition was read, and referred to the Committee on Pensions.

Mr. GAILLARD presented the petition of Sarah Perry of Rhode Island, praying a pension for five years. The petition was read, and referred to the Committee on Naval Affairs.

Mr. G. also presented the memorial of Lewis A. Petray and Just Viel, merchants of Charleston, South Carolina, praying that certain articles shipped from St. Augustine, when an American port, to Charleston, may be exempted from the payment of duties. The memorial was read, and referred to the Committee on Finance.

On motion of Mr. LOWRIE, it was resolved that none of the documents accompanying the President's Message of the 10th December last, be printed for the use of the Senate, excepting the letter from the Society of the United Brethren to the Secretary of War, and the statements marked A and B.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate of the United States:

In compliance with a resolution of the Senate, requesting the President of the United States "to cause to be laid before the Senate the number of arms required, annually, to supply the militia of the West, according to acts of Congress; the probable number necessary to be placed in military deposites, located or to be located, on the Western waters; the cost of

transportation of arms to the Western States and depositories; the probable cost of manufacturing arms in the West; the probable cost of erecting, at this time, on the Western waters, such an armory as that at Harper's Ferry, or at Springfield; and such other information as he may deem important to establish the expediency of erecting, on the Western waters, a national armory;" I herewith transmit a report from the Secretary of War, containing the desired information.

JAMES MONROE.

WASHINGTON, *January* 10, 1823.

The Message was read and referred to the Committee on Military Affairs.

Mr. SMITH, of South Carolina, from the Committee on the Judiciary, to which was referred the petition of William Thornton, praying a renewal of his patent for certain improvements, particularly in a boiler, reported a resolution, that the prayer of the petitioner ought not to be granted.

Mr. SMITH, of South Carolina, from the same committee, to which was referred the bill to authorize the purchase of a number of copies of the sixth volume of the Laws of the United States; the bill to release Amos Muzzy and John White from imprisonment; and, also, the bill, entitled "An act in addition to an act to continue in force 'An act to protect the commerce of the United States, and to punish the crime of piracy,' and, also, to make further provision for punishing the crime of piracy," reported the same, respectively, without amendment.

CLAIM OF JOSEPH EMERSON.

On motion of Mr. HOLMES, of Maine, the Senate resumed the consideration of the motion of the third instant, for instructing the Committee on Foreign Relations respecting the petition and claim of Joseph Emerson and others; and, on the question to agree to the first branch of the resolution, as follows:

"That the petition of Joseph Emerson, and others, praying for indemnity for property illegally captured by the cruisers of the French Republic, in the year 1797, be directed to inquire and report whether the claim of the petitioners was released to the French Government by the United States, by the convention between the two Republics, made and concluded on the 30th of September, 1800, and finally ratified, on the part of France, on the 31st of July, 1801:"

Mr. HOLMES, of Maine, spoke at considerable length on the subject of his motion—going into the circumstances of the claim, the history of the treaties with France, and the transactions of the times, out of which the claim grew, and on which it relied for support, &c.

Mr. BARBOUR, and Mr. KING, of New York, each spoke at some length on the topics introduced by Mr. H. in his remarks—going to show that the claim was of a class which could not and ought not to be indemnified by the Government; justified the course adopted by the committee, &c.

Mr. HOLMES, of Maine, rejoined to these gentlemen; and Mr. SMITH, of Maryland, also spoke on the same subject.

The question being taken on agreeing, first, to the first branch of Mr. HOLMES's resolution, it was decided in the negative, by yeas and nays—yeas 4, nays 41, as follows:

YEAS—Messrs. Holmes of Maine, Parrott, Rodney, and Smith of Maryland.

NAYS—Messrs. Barbour, Burton, Benton, Boardman, Brown of Louisiana, Brown of Ohio, Chandler, D'Wolf, Dickerson, Eaton, Edwards, Elliott, Findlay, Gaillard, Holmes of Mississippi, Johnson of Kentucky, Johnson of Louisiana, King of Alabama, King of New York, Knight, Lanman, Lloyd of Massachusetts, Lowrie, Macon, Mills, Morril, Palmer, Ruggles, Seymour, Smith of South Carolina, Southard, Stokes, Talbot, Taylor of Indiana, Taylor of Virginia, Thomas, Van Buren, Van Dyke, Ware, Williams of Mississippi, and Williams of Tennessee.

On motion of Mr. BARBOUR, the Committee on Foreign Relations were discharged from the further consideration of the said petition.

TUESDAY, January 14.

Mr. BARBOUR presented the petition of Lemuel Bent, praying to be exonerated from a judgment obtained against him by the United States. The petition was read and referred to the Committee of Claims.

Mr. LANMAN presented the petition of Phebe Wilcox, stating that her son, Lieutenant Wilcox, on whom she principally depended for her support, was killed during the late war, whilst engaged in the service of his country, and praying that some provision may be made for her relief.—Referred to the Committee on Pensions.

Mr. FINDLAY presented the memorial of Henry Huber, and others, of the city and county of Philadelphia, manufacturers of bridle bits, stirrup irons, and coach and harness furniture, praying the protection of the Government. The memorial was read and referred to the Committee on Commerce and Manufactures.

The PRESIDENT communicated a letter from the Secretary of the Navy, transmitting a report of the Commissioners of the Navy Pension Fund, made in obedience to the act for the better government of the Navy of the United States; and the letter and report were read, and referred to the Committee on Naval Affairs.

Mr. JOHNSON, of Louisiana, submitted the following motion for consideration:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of modifying the act of Congress of the last session, entitled "An act for the establishment of a Territorial government in Florida," so as better to secure the rights of the citizens of of the said Territory.

Mr. RUGGLES, from the Committee of Claims, to which was referred the petition of Samuel Walker, the petition of Joseph L. Dutton, and also the petition of John Martin and others, reported a bill for the relief of Samuel Walker, and others. The bill was read, and passed to the second reading.

The Senate resumed the consideration of the motion of the 10th instant, for instructing the Committee of Commerce and Manufactures to inquire into the expediency of fixing certain light-

vessels and of erecting a lighthouse at Fort Delaware, and agreed thereto.

The Senate resumed the consideration of the report of the Committee on the Judiciary, on the petition of William Thornton; and, in concurrence therewith, resolved that the prayer of the petitioner ought not to be granted.

The report of the Committee of Claims, unfavorable to the petition of Archibald McNeill, was taken up, when, Mr. MACON having moved to recommit the report—it was, on motion, laid on the laid.

Mr. VAN DYKE, from the Committee on the Public Lands, to whom the subject had been referred by resolution, made a report adverse to the expediency of modifying the act granting a tract of land to William Conner, his wife and children, so as to vest the fee simple in Conner himself; and the report was read.

The joint resolution, introduced by Mr. TAYLOR of Virginia, proposing an amendment to the Constitution, received its second reading; and, on motion of Mr. BARBOUR, it was ordered to be referred to a select committee.

The bill granting to the State of Alabama the right of pre-emption to certain quarter sections of land, was read the second time.

The Senate resumed the consideration of the bill, entitled "An act to enable the proprietors of lands, held by titles derived from the United States, to obtain copies of papers from the proper department, and to declare the effect of such copies," it having been previously read a third time; and resolved that this bill pass.

The bill, entitled "An act to continue the present mode of supplying the Army of the United States," was read the third time and passed.

IMPRISONMENT FOR DEBT.

The Senate resumed the consideration of the bill to abolish imprisonment for debt, and the amendments offered thereto, by Mr. VAN BUREN.

These amendments, as before stated, embrace a variety of provisions, which are, substantially, the following: 1st. They make the act prospective, so as not to interfere with the remedies of the parties upon existing contracts. 2. They except from the exemption secured by the act, all cases of moneys received by public officers, and, generally, all cases of moneys received by persons acting in a representative character. They also except all cases of action brought for torts. 3d. In the excepted cases the amendments provide, that if it shall be made to appear to the court, that the money for which the suit is brought was either corruptly received or fraudulently withheld, the defendant shall be subject to actual imprisonment, without the privileges of the jail now allowed, until the debt be paid, or the defendant discharged by due course of law. 4th. They authorize arrest and bail when it shall be made to appear that there is reason to believe that the defendant is about to depart from the United States.

Mr. JOHNSON, of Kentucky, rose and addressed the Senate about two hours on the general merits of the measure he had proposed by this bill. Before Mr. J. had concluded his remarks, he gave way for a motion for adjournment; and some time after 3 o'clock, the Senate adjourned.

WEDNESDAY, January 15.

Mr. SMITH, of Maryland, presented the petition of Edward Evat, of Baltimore, praying compensation for a house consumed by fire, in the year 1815, while occupied by a detachment of United States' troops. The petition was read and referred to the Committee of Claims.

Mr. SMITH, of Maryland, communicated to the Senate the preamble and resolutions adopted by the Legislature of Maryland, [published at large, in the proceedings of the House of Representatives,] approving the general policy of the Federal Government, in relation to the defences of the nation, the increase of the Navy, &c. The resolutions were read and laid on the table.

Mr. KING, of New York, presented the petition of Eleanor Lawrence, of New York, praying indemnity for injury sustained in consequence of the occupation of her farm by the troops of the United States, and the erection thereon of military works, in the late war with Great Britain. The petition was read and referred to the Secretary of War, to consider and report thereon to the Senate.

Mr. LOWRIE, from the Committee on Finance, to which was referred the bill, entitled "An act to make perpetual an act passed the 3d day of March, 1817, entitled 'An act to continue in force an act, entitled 'An act further to provide for the collection of duties on imports and tonnage,' passed 3d day of March, 1815, and for other purposes," reported the same, without amendment.

Mr. LOWRIE, from the same committee, to which was referred the bill, entitled "An act to amend an act, entitled 'An act further to regulate the entry of merchandise imported into the United States from any adjacent territory," reported the same, with an amendment; which was read.

Mr. RUGGLES, from the Committee of Claims, to which was referred the petition of Henry P. Willcox, administrator on the estate of Joseph Willcox, deceased, made a report, accompanied by a bill for the relief of the heirs of Joseph Willcox; and the report and bill were read, and the bill passed to the second reading.

Mr. CHANDLER presented the petition of Samuel Odlin, of Lubec, in the State of Maine, stating that he had made a contract with Lewis F. Delesdernier, late Collector of the Port of Passamaquoddy, for a certain parcel of land, which he had paid for and improved, without receiving a title therefor; which said land has been attached by, and since set off to, the United States, as Delesdernier's property. The petition was read, and referred to the Committee of Claims.

The Senate resumed the consideration of the report of the Committee on Public Lands, to which was referred a resolution of the Senate of the 10th instant, instructing said committee to inquire into the expediency of amending the act granting a tract of land to William Conner and wife, and to

their children; and, in concurrence therewith, resolved, that it is not expedient to amend the said act of Congress in the manner contemplated in the before mentioned resolution of the Senate, of the 10th of January, 1823.

The Senate then proceeded to the appointment of a select committee, for the reference of Mr. TAYLOR'S proposed amendment to the Constitution; and Messrs. TAYLOR, of Virginia, KING, of New York, MACON, DICKERSON, and SMITH, of South Carolina, were appointed the committee.

The Senate took up the resolution offered yesterday by Mr. JOHNSON, of Louisiana, proposing an inquiry into the expediency of so amending the act establishing a Territorial government in Florida, as better to secure the rights of the people thereof.

In submitting this resolution yesterday, Mr. J. observed, that the Committee on the Judiciary had been instructed, a few days ago, at his instance, to inquire into the propriety of modifying the act of the last session, providing for the establishment of a Territorial government in Florida, so as to grant the right of appeal to the Supreme Court of the United States, in certain cases; but he had since been apprized of the necessity of several material amendments to the said act, in relation to other subjects. With the view, therefore, of referring them generally to the committee, he had offered the resolution.

The resolution was adopted.

The bill to regulate the commercial intercourse between the United States and certain British colonial ports, was read the second time.

The bill for the relief of Samuel Walker, and others, was read the second time.

IMPRISONMENT FOR DEBT.

The Senate then resumed, in Committee of the Whole, the consideration of the bill to abolish imprisonment for debt, under process from the United States courts.

Mr. JOHNSON, of Kentucky, concluded the speech he commenced yesterday in support of the general principle of the bill, and on the amendments offered thereto. His remarks are given in full, as follows:

It is easier (said Mr. JOHNSON) to convince my own mind of the impropriety of abolishing imprisonment for debt, I fear, than by communicating my views to carry conviction to the bosoms of others. I am conscious that public speaking is not my forte; but, on this important subject, it has become my duty to present to the Senate my sentiments.

The power of a creditor to imprison his debtor is the only case in the United States where, among freemen, one citizen has legal authority to deprive his co-equal fellow-citizen, at discretion, of the right of personal liberty. It constitutes an awful exception, both in our civil and criminal code, which, in my humble opinion, is repugnant to the spirit of the Constitution. In the case of minors, it is true, the parent has a limited control over his child, the guardian over his ward, and the master over his apprentice; but this power is necessarily given only on account of the minority of the subject.

When the years of infancy are past, and man attains to the age of freedom, our laws regard his personal liberty too sacred to be annihilated by his own voluntary act. If a man, by solemn contract, binds himself to serve another, even if the reward of that service is paid at its commencement, the contract is void in law, and cannot be enforced. A failure to perform the service will only subject the person to the payment in money of the amount of damages incurred; but the power does not exist to deprive him of his freedom, nor to extort his personal service without his own consent. Personal liberty is not permitted to enter into the contemplation of either party, as any part of the consideration for the fulfilment of the contract, or the penalty for its violation. You must confide in his honor, or look to his effects for relief if he deceives you. An action for damages alone can be sustained; for, however strong your claim may be to his personal service, the principle is deemed too dangerous to be tolerated in a free government, to permit a man, for any pecuniary consideration, to dispose of the liberty of his equal. But, in cases of debt, our present law, regardless of the honesty or the misfortunes of the debtor, gives to the creditor this sovereign power over his person—a power too sacred to be abridged by his own act, to lodge him in prison at discretion. You vest the creditor with the prerogative of Heaven, without imparting to him its attributes of righteousness or mercy; the power to execute vengeance where there is no crime, and to inflict punishment without trial or proof of guilt.

Let us examine whether there is any solid foundation on which this barbarous practice, this anomaly in our laws, can find support. I will advance it, as an incontrovertible principle, that poverty is no crime; nor is a failure to fulfil a pecuniary engagement, when prevented by misfortune, in any degree associated with guilt. The victim of penury is a proper object of sympathy and benevolence. If there is a spark of divinity remaining in fallen man, it inspires this sentiment, and the revelation of God's will to his creature confirms it. A striking illustration of this is given us in the miraculous interference of Heaven on behalf of a poor widow, recorded in the Old Testament. Her husband had been a righteous man, though reduced to insolvency. After his death an unrelenting creditor, like those for whose malicious pleasure this law exists, was threatening to sell her two sons into bondage to pay the debt of their deceased father. She cried to a prophet for advice. Moved with divine compassion he raised a cry to Heaven in her behalf, and the Amighty interposed, by increasing her only remaining store, a solitary cruse of oil, into an abundance equal to the relief which her necessity demanded. Had poverty been a crime, in the sight of God, she would not have been rescued from its consequence by a miracle.

Riches carry influence into every society. Wealth is power. But analyze merit, and it is found to consist in virtue, in honor, in benevo-

lence. It is a fundamental principle in our institutions, and a uniform sentiment in social life, that the worth of every man depends alone on his mental endowments and his moral qualities; and I believe there never has been a criminal code, either in ancient or modern times, which denounced poverty as a crime. There exists, in most communities, a pride of property, under the influence of which the rich will refuse to associate with the indigent, and even imbibe sentiments of superiority over the laboring class of society. This spirit, thank Heaven, is less predominant in the United States than in any other region of the civilized world; but even here it is not utterly exploded; yet this vain, this domineering, this purse-proud spirit, among the few creatures who possess it, has never dared to stigmatize poverty or misfortune with the imputation of guilt. Even Draco, in his bloody code, with all his eagerness in search of crime, that he might punish it with death, never introduced poverty into his black catalogue. But here we punish fraud and misfortune indiscriminately. Our laws make no distinction between the honest and the dishonest debtor.

The honest victim of disappointment, when all his fair prospects are blasted by the unforeseen accident, which rends from him in a moment the honest gains of many industrious years, must, at this unpropitious moment, be torn from the embraces of his family, and dragged to the felon's den, where nothing but a wall of stone or brick separates him from the murderer. His poverty is made a crime of so deep a hue, as to transcend the pardoning power of the Government; and neither the tears of his wife nor the cries of his helpless children can restore him to them, nor his industry to their support, till the vengeance of an incensed creditor shall be satiated.

It will not be denied that imprisonment is a punishment; and what is the language of the law when applied to the criminal code? It is better for ten guilty men to escape than for one innocent person to suffer. This doctrine of mercy is extended in these enlightened days, and the sentiment is universally approbated, that it is better for ninety-nine guilty persons to escape than that one innocent person should be punished; but, in the civil code, these humane maxims are most cruelly violated by vesting in the creditor a discretionary power over the body of the debtor, without proof, or even a charge of fraud or dishonesty. My object is to protect the innocent and punish the guilty; and, to effect both of these purposes, guilt must be made manifest by conviction on an impartial trial, and not presumed against every appearance of fact. As the law now exists, guilt is presumed, but not proven; and though we admit the fact that a debtor may be guilty of fraud by concealment, or conveyance of property without a valuable consideration, we do also know that he may be unfortunate, and yet honest.

We have not yet read of a monster so bold in cruelty, and so regardless of the esteem of mankind, as to avow the disposition to punish innocence. Caligula, and even Nero, professed to punish guilt alone. Though without trial, and without proof, they sacrificed their subjects, yet they pretended to have the secret knowledge of some crime to justify their cruelty. But an appeal to facts will prove that inability to meet pecuniary engagements does not furnish *prima facie* evidence of fraud. It may be received as the evidence of misfortune—of the want of foresight, or of indiscretion; but our present system regards it in the light of conviction of fraud, and delivers over the body to the arbitrary decision of the creditor. This is the essence of tyranny. It is a violent outrage upon the humane maxim of the law, which presumes every person innocent till his guilt is established upon certain evidence; and we have a grievous sin to answer for, in permitting a principle so sacred to be thus violated.

But, it is said, that no honorable man will abuse this power. If this were the fact, and if all men were truly honorable, my feeble efforts to-day would be worse than useless. But, sad experience tells us, that even honorable men, so called, when lured by the love of wealth, and made judges in their own cause, are not always entitled to confidence. Saul of Tarsus, when blinded by bigotry, though a learned, and doubtless an honorable man, verily thought he did God service in persecuting the saints. But, admit that no honorable man will misuse this power, are all creditors honorable? They are not; and we arm the dishonorable with the tyrant's rod, to scourge the innocent.

Millenial days have not yet commenced. Satan is not yet bound, and man is not restored to his pristine purity. The history of the world shows us, that depraved man, savage or civilized, is the same in every country, and in every age, when placed under the same circumstances; and that arbitrary power cannot be safely confided to any human being. He will abuse it. For this reason, the Constitution of the United States has wisely imposed limitations upon the powers of Congress. We cannot abridge the freedom of speech, nor restrict the rights of conscience. Why this limitation upon our power? Because it is liable to abuse. The wisdom and virtue of the whole nation concentrated, are not sufficient to guard against the misuse of power without restriction; and it should never be imparted unless indispensable. Necessity requires that powers, and transcendent too, should be vested in the Government; but they should be confined to the Government, and not transferred to citizens in their individual character.

It is far from my desire to limit the power of the creditor over the property of his debtor. It is the sacred duty of Government to protect every individual in the quiet and absolute enjoyment of his honest acquisitions; and it is perfectly clear, in my mind, that our laws should recognise an interest of the creditor in the possessions of his debtor. If, in case of debt, the remedy against the property is too limited, let it be extended; give it the greatest latitude; but confine its operation to that object, and do not carry it to personal liberty. I believe the power of attachment against property is already complete, with but few exceptions; and if the system can be perfected, let it be

done. The whole property of the debtor is subject to execution, except the tools of the mechanic, the utensils of the farmer, and perhaps, in some instances, a bed for the wife and children to lie down and mourn, when all their other dependence is gone, and the prison doors are barred upon the husband and the father. In one or two of the States, the real property is also shielded from execution; but there are very few exceptions to the general rule.

In case of fraud, the creditor has his remedy at common law or in chancery, and where the fact can be established of fraudulent concealment or conveyance, such property is made liable to execution and sale. If modern experience can suggest an improvement in the wisdom of ages, let the system be made still more complete. Take the little that is reserved. Strip the debtor of every thing that can benefit the creditor; but do not take that which will degrade the man, reduce his wife to an unnatural widowhood, the children untimely orphans, and inflict the keenest wound upon the whole family, without one solitary advantage to the creditor, except the infernal pleasure of gratifying the most diabolical of all human passions, the revenge of a vindictive spirit.

Every person who enters into a contract, containing stipulations to be executed in future, is sensible of some hazard in the performance. The events of futurity are beyond the power of human control. Not even the angels of Heaven can govern events; they are reserved to the Almighty himself, who alone controls the destinies of the Universe, and directs the affairs of men. Should angels enter into executionary obligations, unless by divine instruction, they, as well as feeble mortals, might fail to comply with their engagements. Contracts are always reciprocally voluntary; and there is nothing in their nature which can justify cruel and barbarous remedies for the injury sustained by their non-fulfilment.

The love of money is the root of all evil; and while we secure to each, as far as human foresight can secure, the enjoyment of his wealth, we should be careful not to increase this love by artificial stimulants. Riches are the idol of the world, and ever have been; and we should rather seek expedients to moderate our passion for wealth, than to increase it. It is dangerous to society, and ruinous to our own souls. Remember the rich man. His lands brought forth abundantly, and his profusion was his god. While transported with all the raptures of false devotion, holding a delightful soliloquy on the future enjoyments which his wealth would afford, "Soul, take thy fill, thou hast much treasure in store for many years," the awful summons of death arrested him: "thou fool, this night shall thy soul be required of thee, and then whose shall these things be?" His palaces and his gardens were exchanged for a coffin and a tomb. Such may be the lot of him who holds in confinement his fellow-man, for the love of the same idol; and the public body that gives its legal sanction, may share with him the reward. The Gospel inculcates the sentiment of mercy to our debtors, and the dispensation of charity to the poor. Our Saviour taught his followers to pray for mercy on no other principle than that of dispensing it. "Forgive us our debts as we forgive our debtors." The gates of Heaven were unfolded to receive Lazarus, a poor mendicant on earth, while they were barred against the rich man in his purple robes, who refused him the crumbs that fell from his table. While these lessons of divine instruction teach us to moderate our desire after wealth, and to extend benevolence to the indigent, our laws encourage hardness of heart and avaricious dispositions, by authorizing us to pursue our debtors with unrelenting severity. We follow him with all the angry rigor of the law, in hope to make him disgorge some hidden treasure; but the pursuit is unavailing. Upon the honest and unfortunate, degradation and ruin are the only and certain consequences; but its effects on the fraudulent are to produce perjury and corruption, without procuring relief to the prosecutor.

It is said, that imprisonment for debt, under the mild execution of the law which now prevails, is a mere shadow; and it may sometimes coerce the payment of debts, if it should be continued. If this is but a shadow, where is the substance fled; and why does it blush to appear? If the law is so barbarous that honorable men are unwilling to execute it, then, for the honor of the country, I beseech you blot it out of your civil code, and suffer it not to exist for those who are so lost to honor, as to make it their resort. But the history of its practice proves that it is more than a dead letter. It is the tyrant's rod and the poor man's terror. In cities, where the density of population renders the evil more visible, their prisons are never solitary. A good man in adversity is pursued by a combination of creditors, each with a separate demand, to procrastinate the period when he hopes to relieve himself from a loathsome prison by the only legal resort, a degrading oath. As soon as one creditor has finished his course of prosecution, another commences, and thus he is continually harassed, till his spirits are broken; his credit destroyed; his prospects blasted; his moral influence sunk; and frequently he is compelled to abandon the society of his dearest friends, where he might have survived his misfortunes, but for this legalized cruelty of which he is made the victim.

The object of Government is to secure us in the enjoyment of our rights, and to guard them against every violation, unless forfeited by crime. Life, liberty, and the pursuit of happiness, are inalienable. In what manner is the personal liberty of the citizen shielded by the Constitution? The writ of *habeas corpus* cannot be suspended, unless, in times of civil war or foreign invasion, the public safety may require it. Every freeman is secured in his person, his house, his papers, and effects, against unreasonable searches and seizures. No person shall be held to answer for a capital, or other infamous crime, unless on the presentment or indictment of a grand jury, except cases arising in the land and naval forces. No man shall be compelled to testify against himself. The accused shall enjoy the right of a speedy and public trial

by an impartial jury—to be informed of the nature of the accusation—to be confronted with his accusers—to have compulsory process to obtain his witnesses, and to have counsel for his defence. These are some of the principles contained in the Constitution, to shield personal liberty from encroachment. But, in the case of imprisonment for debt, where no discrimination is made between innocence and guilt, they are all abandoned; and the political maxims contained in the Declaration of Independence are set at naught. The feelings of humanity are outraged—innocence is punished—the moral law disregarded—the precepts of the Gospel put at defiance; all this you do to obtain the pound of flesh nearest the heart of the unfortunate debtor.

It is said that imprisonment for debt is not a punishment, but a means to reach some hidden treasure. These means are resorted to without even presumptive evidence as to existence of this hidden treasure; not even the form of a trial is necessary. The will of the party is sufficient; and, in nine cases out of ten, the ca. sa. is issued where the presumption of innocence is in favor of the debtor. We first punish and then inquire into the guilt of the prisoner.

In France such was the practice, when obnoxious persons were arrested by letters *de cachet*, and for years consigned to the Bastile. The Spanish inquisition used the torture, not as a punishment, but as a means to extort confessions of guilt from suffering innocence. Suspicions of political or religious heresy constituted the offence. We shall discover the character of these means by reading the history of John Caustos, whose limbs were mangled with chains, and whose joints were dislocated by the torture of the inquisition, for the purpose of extracting confessions of guilt which had no existence.

It is our duty to examine into the constituent principles of national strength, and to cherish and preserve them. Do they consist in numbers, in riches, in the salubrity of the climate and richness of the soil, in commerce, in manufactures, in agriculture, in internal improvements? These compose only a part of the elementary principles of national power. In addition to these there is a moral power which is more important to preserve; and without which Greece could not have repulsed their Persian invaders—Rome could not have conquered the world; and the United States could not have sustained their independence against a foe so powerful. This moral power, which is so important to the prosperity of every nation, consists in the love of liberty—devotion to country—in high-minded, honorable, gallant, magnanimous, and virtuous feelings. Nothing selfish or sordid—nothing avaricious or effeminate.

To preserve this moral power in its greatest purity and vigor, every citizen should be secured in the pursuit of happiness, and protected from violence. He should never be degraded unless he has been guilty of crime. Equality of rights should be preserved; the law should carefully avoid giving one citizen a control over the personal liberty of another.

Even in criminal prosecutions, no freeman can be arrested for a moment, unless the accusation is supported by the oath of a competent witness, defining the crime and describing the person. Self-preservation and the most obvious dictates of reason, point out this course. In case of guilt, you operate upon the person, and not the property of the criminal. Corporal punishment alone can satisfy the violated law. In these cases the accused has a right to bail, except in capital offences; and even then it is allowed, unless the guilt is made manifest or the presumption strong. But how is it with the poor debtor, when punished by imprisonment? You do not require the oath of the party, that he has good ground to believe there has been a fraudulent concealment or conveyance of property; but, in the first instance, the creditor may issue his ca. sa.—and confine his debtor in jail in the same manner as if he had been regularly arrested, tried, and convicted of crime by an impartial jury. If the debtor be innocent you can never recall the punishment; nor has he any redress for such barbarity.

The creditor may derive satisfaction from the hope of expecting payment from the friends and relations of the unhappy sufferer. In this way you seal his destruction, and reduce his family to extreme misery. Stimulated by a vain hope, and entertaining a suspicion, the offspring of avarice, the unrelenting creditor pursues his victim already reduced to want and wretchedness.

The legitimate fund, for the payment of debts, is composed of the real and personal property of the debtor. Both are visible and tangible. The real cannot be removed; and the personal property is subject to execution wherever it can be found. But this does not satisfy the law. The body must also be subject to execution, although the imprisonment of the body pays no part of the debt.

I would say, fraud deserves punishment; but the prosecution should be based upon the oath of the party who makes accusation. And instead of presuming guilt, requires its manifestation by an impartial jury. Then the punishment would be inflicted as a violation of the penal code.

When the character of the debtor is converted into that of the criminal, then it would be legitimate and proper to demand bail to compel his appearance; because the vengeance of the law is to operate upon the person of the individual, if convicted of guilt.

To permit an unfortunate debtor to be confined in prison is immoral and criminal in the Government. The remedy provided by law for the creditor against the property of the debtor is complete—if defective, make it perfect. To clothe the creditor with the transcendent and despotic power of imprisonment, without even the allegation of fraud, is a monstrous usurpation on the part of the Government, and violatory of the theory as well as the practice of our political system in every other department. Upon the fraudulent debtor the capias ad satisfaciendum, by which the body is arrested, has no effect, his mind is not alarmed at the iron doors of the prison; his heart is not torn to pieces by wounded pride and virtuous sensibility. He

will not disclose, but will find means to conceal his hidden treasure, until he relieves himself from confinement by due course of law. From such men you gain nothing by imprisonment; but you must resort to legal and equitable remedies, by which concealed effects, or property fraudulently transferred are made liable to execution to satisfy the demand.

When you arrest the unfortunate and honest man, and cast him into prison, his prospects are blasted, and his hopes are withered, as the plants and vegetation is destroyed by the influence of the Bohon Upas, the poisonous tree of Java—the body is confined; but the debt remains, and is hourly increasing in magnitude—his future anticipations are overspread with clouds, his credit is injured, his usefulness to society is impaired—the peace of his family is interrupted, and while confined in prison, he leaves behind him a wife with weeping eyes and a bleeding heart.

The misery of which this system is productive, has been denied with a boldness which excites astonishment. To justify its continuance, and prevent its repeal, it has been represented as purely nominal. When facts innumerable, and the experience of every day, furnish conclusive evidence that it is a source of incalculable distress; and that distress, in a majority of cases, falls with a heavy hand upon those who are entitled to our commiseration. In our cities, there is not a day in which the honest debtor is not taken into custody. Our city prisons are never empty, and often crowded; and this calamity is increased by the reflection, that it is confined principally to the laboring poor, and those who, by some honest calling, have supported themselves and enriched their country. The cases of imprisonment are more rare in the country. But, even there, they frequently occur. When we behold the lion in his iron cage, surrounded by admiring spectators; when we see the leopard chained to the pillar—reason justifies the salutary restraint, and no inquiries are made into the causes of the confinement. When we behold the midnight incendiary, the highway robber, or the assassin, in the custody of your law, humanity acquiesces in the justice of the measure. But when we behold the honest debtor, who has been unfortunate, carried through your streets by an executive officer, as a felon, and consigned to the jailer, his wife and his children walking beside him, with melancholy aspect, and willing to share his fate, rather than to be separated from him, reason revolts, humanity drops a tear upon our fallen condition, and the tender heart bleeds at the sad spectacle. The feeling of indignation becomes universal, and your laws are pronounced cruel and barbarous. The debtor becomes the slave of the creditor, not to perform manual labor in discharge of the debt, but doomed to idleness in a loathsome jail, erected by contributions upon the people, for the confinement of criminals. Deprived of locomotion—denied of the comforts which fall to the lot of the most indigent, his only work is to notch down the days of his captivity, like the unfortunate prisoner represented by Sterne in such glowing colors. That veneration for the Constitution which should swell every bosom, is weakened. It is this degrading system which demoralizes the honest man, and prepares the desperate debtor for treason, stratagem, and war.

If your system had deprived him of property only, he would have survived the wreck of misfortune; but you not only deprive him of his property, you also make him a bankrupt in credit, in reputation, and in happiness. No man can be free whose personal liberty, whose personal independence, can, for a moment, be disposed of at the will of another. So long as that shall be the case, it is in vain to talk of liberty; for you destroy in the citizen that devotion to freedom which inspired that virtuous Roman, who declared, that "a day, an hour of virtuous liberty, was worth a whole eternity of bondage." It was a sentiment which gave power to Rome. It is a demonstration of the moral power of that community. It was inspired by devotion to liberty, and is worthy the character of an American citizen. It is a feeling that ought to be cherished by every independent nation. The preservation of personal independence, is not incompatible with the most sacred regard for for the right of property. Every wise and just Government will preserve the one and the other. We contend only for equality of rights. We do not expect to preserve an equality of worldly honors and riches. These are the result of moral and mental endowments. In no age or nation do we find men endowed with equal talents, capacity, fortitude, industry, and acquirements. The result of this is the inequality of property and fame; and as it arises from the gift of Heaven, and our own exertions, no Government can wisely or justly arrest our career, or disturb the fruition of our labors. It is our imperious duty, while we guard these natural advantages, to be careful how we give, by artificial stimulants, political advantages to one class of citizens, over another. It is upon this great principle of equal rights, that the Declaration of Independence and the Constitution of the United States are based. They denounce privileged orders—they denounce private monopolies. It is the reverse of this system which has been the prolific fountain of so much calamity to other nations, and which has produced the wreck of so much human happiness. In the most perfect state of society, this world is little more than a house of mourning; and it is our high duty to alleviate the distresses of our own people—to smoothe the rugged path of life—to turn the sorrows of the unfortunate into joy, and to dissipate the clouds of adversity.

Upon a careful examination of the operations of this tremendous power over personal liberty, I can see nothing to justify it. I can see no salutary effect to excuse this great departure from our free institutions. Society is not enriched, because the victim is deprived of useful employment. It does not extort from the fraudulent his ill-gotten treasure, because he has already put it beyond the reach of his creditor. It does not benefit the creditor, because, without this rigor, the honest debtor will surrender his property. But touch not

this ancient custom, is the language of some. The same language was held during the Revolutionary conflict in relation to kingly government, because it was consecrated by ages. Tyrants and despots had governed the world. The same language might be held in relation to the holy inquisition, which has existed for centuries past. The same language is applicable to the Union of Church and State, which had existed from the darkest ages of antiquity, when the Delphic Oracle uttered its responses to the surrounding nations. Notwithstanding this appeal to the authority of antiquity, there is a total revolution in these particulars except upon the subject now under discussion.

We carry no religious heretics to the stake; we disfranchise no citizen for his religious tenets—we burn no witches, although we read of them—yet we are happy in the conviction that we are as powerful in tolerating, in all cases, error of opinion where reason is left free to combat it. I have the happiness to believe that we should have no cause of regret, if from this day to the end of time no freeman could be imprisoned for debt in the United States of America. The human mind unfortunately is inclined to superstition, fanaticism, and tyranny. The early history of this country proves the fact; and happy for the human race that the general diffusion of knowledge, the freedom we enjoy, and the protection given to each individual generally, stays the hand of persecution, and deprives of its terrors the spirit of despotism. When the Saviour of men came to break down the partition wall between the Jew and the Gentile, he was reproached with having violated the Sabbath, when he restored the blind man to his sight, when he gave life and strength to the withered hand, when he cured the infirm female, and when the palsied limbs were restored by the powers of his word; but he rebuked his accusers, and told them, if their oxen or sheep were to fall into a pit on the Sabbath day, they would think it no crime to lift them out. There is no part of the character of our Saviour more lovely and more worthy of imitation than that in which he relieved the poor in distress and affliction, the children of misfortune. If we who advocate this measure believe that we have this memorable example before us for our imitation in giving relief to unfortunate debtors, I hope we may not be stigmatized with an attempt to lessen the legitimate fund of the creditor, but to prevent Shylock from taking his pound of flesh, when, by unavoidable accident, the demand could not be punctually discharged.

It is a fact notorious in the history of all nations, that the arbitrary and uncontrolled power which has been vested in the creditor has convulsed to its centre almost every community; and that all nations have been compelled to resort to harsh and temporary expedients, or to adopt some permanent system of relief, to save them from revolution and civil war; thus performing the salutary operation of the safety-valve in regulating the tremendous power of steam. The Jews had their jubilee, which restored to every man his inheritance; and the release, which existed every seven years, when the captive debtor who had been sold into bondage was restored to his liberty. At Athens, Draco's code of laws contained no permanent system of relief. The criminal and civil code were alike rigid and severe. The consequences were fatal to the repose of that people. The Republic was involved in the most alarming commotions. The harmony of society was totally destroyed, and revolution was threatened. The debtors convened in various parts, and determined by solemn resolutions to elect a military chieftain to lead them on to their purpose, which was to obtain a new division of property—to put to death their creditors, and to new model the Government. The creditors had exercised to the full extent the powers which the law had granted for the collection of their demands; the insolvent debtor was reduced to absolute slavery, doomed to the most servile employment, put to the draught like beasts of burden, in the cultivation of their farms. The sons and daughters of the debtor were sent to foreign countries, and sold into slavery. In this crisis, it was doubtful who was most powerful and likely to prevail, the rich creditors with those who managed their farms and worked the mines of Attica, or the debtors, with those who espoused their cause. In this situation, it was unanimously agreed upon to have recourse to an amicable settlement of the difference; and Solon, a man of distinguished talents, virtue, and integrity, was unanimously elected. It is very evident, from the history of Greece at this moment, that the power of the creditor over the debtor was the chief cause of this alarming condition of the Commonwealth. The very first act of Solon's administration was to abolish existing debts, and totally to destroy the power of the creditor over the body of his debtor. But he refused to make a new division of property; and every individual was made secure in the enjoyment of his possessions. Both parties submitted to these measures; and thus, by this harsh measure, Solon saved the Republic. A permanent system of justice confining the remedy against the property of the debtor would have saved the historian the trouble of recording these melancholy scenes.

In Rome we have the same example. We will pass over the history of that mighty nation, until we come to the expulsion of Tarquin the Proud, when a republic was substituted for kingly government. It was after this period, and in the best days of Roman liberty, that the law of the twelve tables existed, containing a system of cruelty, relative to debts, which is a blot upon the human character. After judgment was obtained, the debtor was allowed thirty days of grace; he was then committed to the custody of his creditor; he was loaded with chains, not to exceed fifteen pounds weight. In this condition it was his privilege to be exposed three times in the market place, to ascertain if his friends or countrymen would relieve him. If no friendly hand extended relief, at the end of sixty days the debt was discharged with the loss of life or liberty. For, be it remembered, if two or more creditors were so

unfeeling, they had the right to divide the body of the debtor, or to sell him into foreign slavery beyond the Tiber. This cruel proceeding was not confined to the worthless vagrant, the idle and dissipated, but it embraced, and actually operated upon, the brave defenders of Roman liberty—those who had bravely faced the foe in danger, had repelled the foreign invader, and carried about them the honorable scars of their gallantry. This arbitrary power, so barbarously exercised, produced the most dangerous convulsions and alarming disaffection in the Roman Commonwealth. The ruin which threatened the very existence of that Government was so great that they resorted to the extraordinary expedient of appointing a dictator, who was clothed with absolute power and dominion. The army refused to meet the foes of their country, and the people, *en masse*, refused to volunteer their services to repel even invasion while they saw a Roman citizen scourged by a merciless creditor, and his body bleeding from the severity of the punishment. The tribunitial power in Rome had the same origin; it was the offspring of the despotic power which was vested in the creditor. The people demanded these officers, with power to protect their personal independence. If Rome had confined the power of the creditor to the property of the debtor, these civil wars and disorders never would have existed. Yet, notwithstanding the light of history, and the warning voice of experience, we shut our eyes, and refuse to profit by them. This savage custom existed in Rome until it produced a reaction in favor of the debtor. One extreme is frequently productive of its opposite; for, when the Christian emperors ascended the throne of the Cæsars, they established a code by which the debtor was released forever from the discharge of his debts, provided he would take an oath that he had not property sufficient to discharge all. It was now no longer lawful to sell the debtor for the discharge of his debts. Christianity triumphed over Paganism, and the precepts of the Gospel forbade the infamous traffic. When the creditor lost this power to reduce the debtor to bondage, avarice quickened into life a thousand projects to gain an equivalent; and, unfortunately for mankind, wealth triumphed over poverty. By the connivance of the courts, and by the stratagems of creditors, debtors were first held to bail upon presumption of fraud without proof; and the plan was consummated by granting the *ca. sa.* after judgment, in virtue of which the body was confined to close jail, and doomed to perpetual imprisonment. This was the substitute for the power of selling the debtor and his family into slavery.

In Great Britain, from whence we have drawn much of our jurisprudence, this system is still in operation, without the relaxation of insolvent laws, except in debts of small amount; and, in that case, the party has the benefit of an insolvent law, provided his creditors do not resolve upon his confinement, at their own expense.

It must not be omitted here, that the system of bankruptcy established in Great Britain, by which both the body and the future acquisitions of the party are exempt from existing demands against him, is confined to the mercantile class of the community. And, while thousands are doomed to perpetual imprisonment in that island, which, in many respects, may boast of its liberty, the partial relief given to that nation, by this system of bankruptcy, operates as the safety valve, and, together with the strong arm of Government, prevents disorders and convulsions like those recorded in Roman history. Whenever the body is taken, in Great Britain, under the *ca. sa.*, it is considered as the legal extinguishment of the debt; and the only satisfaction which the creditor can enjoy, is the perpetual confinement of the prisoner, unless there be a voluntary payment of the demand. This identical system has been adopted in every State in the Union, with some modification, embracing a relaxation of the system, so far as to give to the party the benefits of insolvent laws, upon conditions more or less degrading and severe, according to the policy of the respective States. This is a concise history of the origin, progress, and present state of this abominable system. It originated in ages of barbarism, and its cruelty has been refined by avarice, while the condition of man has been ameliorated in every other respect by the light of civilization. The relaxation of this barbarous system, in the present age of reason and philosophy, is urged as an argument to sustain the tottering fabric, and to prolong its existence. When Mary, the sanguinary queen of England, deprived her unfortunate subjects of the rights of conscience, and consigned them to the devouring flames as heretics, many of whom were distinguished for true piety—Cranmer, Ridley, and Rogers—what should we think of that argument which would seek to deny the perfect right of conscience, because, instead of the fire and fagot, the exercise of that inestimable privilege would only be attended with political disfranchisement or corporeal punishment? With due deference to the opinions of others, to me it appears the argument would be as rational as for any gentleman to contend for the present system of imprisonment, in consequence of its relaxation. If the relaxation of the system proves any thing, it is the impolicy and injustice of the principles it contains, and furnishes a strong argument for its total abolition. Every change in the system, which has lessened the inhumanity and injustice of the measure, is a demonstration that the sentiment of mankind, in the progress of civilization, is in favor of its entire annihilation.

Governor Plumer, of New Hampshire, Governor Robertson, of Louisiana, Governor Adair, of Kentucky, and Governor Wilson, of South Carolina, have all recommended to their respective States to abolish imprisonment for debt; and, in the bold and patriotic language of distinguished freemen, have denounced the practice as sanguinary and as a foul blot upon our national character. In many parts of New England, the prison bounds are extended to the limits of the township or county in which the prison is located. The Legislative Council of Michigan have extended the jail limits to the bounds of the county. Kentucky has to-

tally abolished the system. I understand that Missouri and North Carolina have done the same. In France, which contains 30,000,000 of inhabitants, imprisonment for debt has been abolished; and we have it from undoubted authority, that it has produced the most salutary effect upon the prosperity of that nation. This odious system was abolished by the Napoleon Code; yet our imaginations are haunted with the dreadful consequences of its abandonment. Destroy this system, and the pound of flesh cannot be demanded. We are taught to believe it more difficult for a camel to go through the eye of a needle than for a rich man to enter into the kingdom of Heaven. It is a melancholy truth; for when our Saviour offered to the young man, surrounded with wealth, eternal life, upon condition he would sell his worldly estate and give it to the poor, he declined the offer, and retired with a sorrowful heart. Unfortunately for the human race, we place too high an estimate upon worldly acquisitions; and we are unmindful of that reward which is offered to the benevolent heart, when all nations shall be gathered together; when the Son of Man shall come in all his glory, and the holy angels with him, the language will be—Come ye blessed of my Father, inherit the kingdom prepared for you from the foundation of the world; for I was an hungered, and ye gave me meat; I was thirsty, and ye gave me drink; I was a stranger, and ye took me in; naked, and ye clothed me; I was sick, and ye visited me; I was in prison, and ye came unto me. I will forbear to repeat the denunciation against those who refused these charities of life, nor dwell upon the doom of that servant who had been forgiven a debt of 10,000 talents, but the same day met his fellow servant and demanded ten pence; and, upon his inability to pay, caught him by the throat and cast him into prison.

We flatter ourselves that honorable men will not use this tremendous power for the purposes of oppression. We are unmindful of the power of gold upon the human mind, when we derive consolation from this delusive hope. Every traitor to his country is reduced from his allegiance by the love of money. Ambition may swell his bosom; the love of power may mislead his judgment; he knows that wealth is the consequence of power; and the enjoyments which he seeks may be purchased with this wealth. Judas Iscariot is represented to have betrayed his Lord and Master from the influence of thirty pieces of silver. It was the love of money that corrupted the heart of Benedict Arnold, and induced him to turn his arms against the bosom of his own country. These facts prove the danger of vesting too much power where the object is the accumulation of wealth. The rich have generally governed the poor, and the fortunate have controlled the destinies of the unfortunate.

The improvement of the human mind is slow but certain in its progress. We are more inclined to bear with evils, when sufferable, than to seek redress by modifications of ancient customs; but this is the age of investigation. The time has come when the inquiry into the propriety of this measure will go on, and the final result cannot be doubtful. I will not indulge a doubt, for one solitary moment, that a great majority of the Senate will yield an unqualified approbation to the principle of this bill. Although a great diversity of sentiment might exist in regard to the limitations and conditions upon which it shall pass, I will not anticipate insuperable difficulties in relation to the details. The principle is sacred; and it will not be satisfactory to the nation to be told that we lack knowledge, and wisdom, and experience, to put it into effective operation. In adopting a measure so important to the liberty and happiness of the United States, the friends of the measure should prepare themselves to sacrifice individual views and technical modifications for the purpose of uniting, as a firm phalanx, all those who are willing to support the measure. The best course to produce this result is a free investigation of the points of difference as to its modification.

I would submit a few remarks as to the propriety of its retrospective operation. Our first duty is to provide for present distress. We are taught, by high authority, to believe, that sufficient unto the day is the evil thereof; and, in comparison with this great duty of providing for present necessity, to let the morrow provide for itself. But, if we can provide for present calamity and distress, and can provide also for the evils of to-morrow, we shall discharge a double duty, and we shall receive a double reward—the blessing and gratitude of the present generation, and the plaudits of "well done," from millions yet unborn, besides the pleasure arising from the approbation of a good conscience. The right of applying this principle to existing contracts is not denied. It has been settled by the highest judicial tribunal of the country, viz: the Supreme Court of the United States. It has been decided, that to release the body of the debtor, in all cases, is a measure which affects the remedy alone. That it has no relation to or connexion with the essence of contracts; and, consequently, cannot impair their obligation. Congress possesses not only the right to release the body, but the future acquisitions of the party from existing demands, by the exercise of a positive grant of power to adopt an uniform system of bankruptcy; but I do not propose by this bill to lessen the property fund upon which contracts rest for their fulfilment.

Policy and justice would declare this inexpedient, as a permanent system; for property and confidence in the integrity of the contracting parties, constitute the only proper and legal basis of pecuniary or personal obligation; and the man who would enter into executory contracts under the expectation that he would have to resort to the imprisonment of an honest debtor in case of failure, deserves to lose his debt.

Although an unfortunate but honest debtor, after imprisonment, is legally bound to his creditor; yet it is my opinion that, in morality and in conscience, he is absolved from the obligation, where his personal independence has been violated, without the imputation of fraud or collusion.

No contract can divest the sovereignty of a

State of its power of modifying and changing remedies in the administration of justice. And every wise nation will adapt them to the condition and circumstances of the country. The proposition to make the measure prospective assumes the ground of immutability in the laws; and yet no proposition is more clear than the propriety of their mutability. It is much to be regretted that our prejudices are so inveterate, that even personal liberty too frequently kicks the beam, when property is put in the opposite scale. Naaman, the Syrian military chieftain, felt his bosom swell with gratitude towards the prophet Elisha, when he found himself cured of the leprosy, by following his advice, in washing three times in Jordan's stream. In his wonderful restoration, he also acknowledged that the God of Israel alone was worthy of adoration, and entered into a solemn declaration, that henceforth he would look to him as the only being that regulated and sustained the universe; but it was his request that there should be this exception, that when he entered with his royal master into the house of Rimmon, he might be permitted to bow to this idol, according to the custom of the Syrians. We are taught, likewise, by high authority, to give up prejudices in the following language, "If thy right hand offend thee, cut it off; if thy right eye offend thee, pluck it out." Time will disclose the fact, whether we can rise superior to this unmerciful system, which dooms the debtor to prison.

But it may be emphatically inquired, why this subject, to which so much importance has been given at this session, has been neglected by our predecessors? There is a time for all things, and the history of this Republic furnishes an answer for this apparent omission. The war of the Revolution presents the first crisis in which this nation has been involved. The object was no less than a contest for self-government. We were engaged with a most powerful enemy, superior in numbers, in riches, and the means of conquest. We had also to encounter the dreadful consequences of civil war. We fought and we conquered. At the close of the Revolution, we fondly expected tranquillity and peace, but we were disappointed in that expectation. It was now discovered that our strength had been consolidated, and our Union preserved by a moral power, which never forsakes a community devoted to liberty; and not by the Articles of Confederation. Notwithstanding the monuments of our victories and our glory, which were erected throughout our extended country, from Bunker's Hill in the North, to the Eutaw Springs in the South, we found the written bond of our Union weakened, and compared to a rope of sand. This consideration turned the thoughts of the nation to a new constitution, which should cure the defects of the Articles of Confederation. This state of things involved us in a second crisis which demanded the undivided attention of the nation. Our present form of government was the result. The organization of the various departments under this new constitution, equally engrossed public attention. We had fought for independence and had obtained it; yet the question seemed to be pending, whether we could preserve that freedom in the form of a written constitution, by which all power was acknowledged to be in the hands of the people. Before we had calmly settled down, upon what we conceived to be the legitimate principles of this new form of union, we were involved in a quasi war with France; and we were agitated by the angry and vindictive animosities of party. We were again amused with the prospect of harmony at home and peace with all nations, when suddenly our political horizon was obscured by foreign convulsions; and we were involved in a contest of commercial restrictions with the belligerent Powers of Europe, which terminated in a war with Great Britain. Through Divine Providence we sustained our cause, and victory crowned our efforts. A second time we fought a good fight and finished our course with joy.

During these interesting periods, it could not be expected that this subject should have engaged attention. Since the memorable period of the late war, we have been wisely and beneficially employed in bringing down the war to a permanent peace establishment.

Having finished this great work, we have perfect leisure to attend to the interior administration of our concerns.

Distracted by no party—blessed with peace and tranquillity—now is the accepted time to call the attention of the nation to the crying evil of imprisonment for debt.

From the remotest period of antiquity, to the present day, there never was a time when so many individuals were exerting themselves to improve the intellectual and moral condition of man. The good and the virtuous, throughout Christendom, are employing all their energies; and Christians, of every denomination, are united in the mighty effort. Benevolent societies are established in every region of the civilized world. The deaf and the dumb, the male and female orphan, the pagan and the savage, are all embraced in those moral exertions. Missionaries of our holy religion are penetrating every country. Burmah and Hindostan are receiving lessons of Christian morality, and the worshippers of Juggernaut are learning the knowledge of the true God. Jerusalem is again becoming the field of gospel labor. Divine light begins to beam on Persia, where the sun has long been the idol of their devotion. The savages of our own country are recipients of the same benevolent efforts, and the wilderness of America begins to wear the aspect of gladness. It is not expected that we, as a Government, should become members of these societies and make appropriations of money to carry on their designs; but, while we witness these interesting scenes, which, on every hand, are calculated to rejoice the heart of the philanthropist, it is our duty, and I trust we shall find it our pleasure to remove every obstacle to the happiness of the human race, and to take from the hand of tyranny the rod of oppression.

These United States present a sublime spectacle to the universe, in the annual convocation of the people, by their Representatives in the Congress

of the nation, and in the Assemblies of the States, to legislate both for the present and for future generations. We should give an example to the world worthy of our character, that may profit foreign States and distant ages. Posterity will revise our acts, and pronounce upon them an impartial sentence of reprobation or applause, as their character shall merit; and I venture the prediction, that the next generation, in reviewing the transactions of this day, will be astonished to learn that this vestige of barbarism was so long suffered to remain a blot upon the enlightened age in which their fathers lived.

We read, with deep interest, the annual Executive communications, and exult in the contemplation that there is a general coincidence of sentiment and concurrence of action throughout the nation to increase the happiness of man. Nothing escapes the vigilance of those who are the appointed guardians of public liberty and political prosperity. Commerce and manufactures, agriculture and internal improvement, education and moral refinement, all occupy the attention of the first statesmen; and now the denunciation of this unmerciful practice, imprisonment for debt, finds its way into executive recommendations and legislative discussions; and as certain as that moral light is irresistible, so sure is the rapid approach of that day, when personal liberty, sacred to every American bosom, shall be held paramount to every pecuniary obligation, and no longer made the sport of misfortune and the prey of despotism.

For this love of liberty, a principle inherent in man, the savage still adheres to his wandering life, and spurns the proposition for civilization, because, in his view, prisons mark its bounds. It is for this liberty that we have fought and bled, and while the bosom of the patriot swells with ardor for that country in which he is protected from violence, and secured in the enjoyment of his inalienable rights, liberty is the charm which binds him to its destinies. For the preservation of those blessings, power is imparted to the Government; and when we consume the midnight oil, and bring to view in public counsel the result of our researches, the grand object of all is to secure the weak from the encroachments of the strong, and to extend to all the blessings of equal rights and equal privileges.

For what has mankind been struggling since the usurpation of Nimrod? For the restoration of violated rights; for liberty of speech, liberty of conscience, and the power of locomotion; to rescue innocence from punishment, and to guard the poor from the oppression of the wealthy. But these sacred principles are abandoned in the person of the debtor, so long as he is subject to imprisonment at the arbitrary discretion of his creditor.

For these sound principles, the ancient Greeks fought at Marathon and Thermopylæ. For these the celebrated nations of antiquity were in frequent convulsions; but the monuments of their glory remain only in the pages of history, while we behold, with melancholy contemplation, the marks of their oppression in the walls of Babylon and Nineveh, in the ruins of Balbec and Palmyra, and in the obelisks and pyramids of Egypt.

For these principles the South Americans are braving the field of danger—the modern Greeks are emulating the deeds of their ancestors—the Neapolitans have made a fruitless effort to establish them; and Spain, for their restoration, has proclaimed a new constitution. For these principles alone I contend, conscious that their existence is peculiarly dear to every American, and in the confident hope that the wisdom and justice of this nation will establish them upon a basis, permanent as the everlasting mountains, and without revolution or convulsion.

When Mr. J. had concluded—

Mr. HOLMES, of Maine, offered an amendment to the details of the bill, and some explanatory remarks.

Mr. MILLS added some remarks to those he before submitted, principally on the details which it was proposed to give to the bill.

Mr. TAYLOR, of Virginia, submitted, pretty much at large, his views of the bill—the general principle of which he decidedly advocated—and concluded by offering a substitute, which would provide guards that he deemed necessary; and which would, he argued, supply all the benefit that could be provided by bankrupt and insolvent laws, united, while it would avoid the delay and other objections to which those laws were liable.

Mr. EATON admitted the correctness of the principle of the bill, in the abstract; but argued to show that so vital an innovation in the principles, the structure, and system of the common law, would produce more mischief than it would remedy or avert—that it would offer impunity to fraud, &c.

Mr. MACON advocated the object of the bill, which he should support, if it could be so guarded as to relieve the honest debtors without affording facilities to the knave, to defraud his creditor. He maintained that creditors have rights entitled to protection, as well as debtors, and these he would not impair further than to exempt from imprisonment those who honestly surrendered their property to pay their debts.

Mr. TALBOT zealously supported the general principle of the bill; stated his objections to the amendments which had been submitted by Messrs. VAN BUREN and TAYLOR, and offered an amendment himself, (embracing several sections,) the object and effect of which he explained fully.

The bill was then, on motion of Mr. BARBOUR, (who wished an opportunity to offer some remarks on it,) postponed until to-morrow, and the amendments offered to-day were ordered to be printed.

THURSDAY, January 16.

Mr. SMITH, of Maryland, submitted the following motion for consideration:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of making appropriations for erecting fortifications on St. Mary's river, within the mouth of Potomac, and on a point within the mouth of Patuxent.

On motion, by Mr. NOBLE, the Committee on Pensions, to which were referred the petition of Winthrop Robinson; the petition of John Low; the petition of John Welsh; the petition of Ezekiel P. Beldon; the petition of Frederick Pearl; the petition of George Byers; and the petition of Thomas Haly; were discharged from the further consideration thereof, respectively.

The Senate resumed the consideration of the report of the Committee on Military Affairs, to which was referred the resolution instructing them to inquire into the expediency of providing for the final settlement of the militia claims of the State of Georgia, for services rendered, under orders of the President of the United States, during the years 1792, '93, and '94; and, on motion, the further consideration thereof was postponed to, and made the order of the day for, Monday next.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act in addition to the act, entitled 'An act for the prompt settlement of public accounts,' and for the punishment of the crime of perjury;" in which bill they request the concurrence of the Senate.

IMPRISONMENT FOR DEBT.

The Senate resumed the consideration, in Committee of the Whole, of the bill to abolish imprisonment for debt, and the amendments offered thereto.

Mr. MILLS, of Massachusetts, rose, and entered at large into the questions presented by the subject—submitting the reasons why he could not go, and arguments against going, to the extent proposed by the bill; the difficulties which would arise in the practical operation of so broad a measure, the embarrassments in which it would involve our established and nicely adjusted system of jurisprudence, &c.

Mr. BARBOUR, of Virginia, took the opposite ground, and, in a speech of more than an hour's length, strenuously maintained the justice and expediency of the proposed measure, in its greatest latitude, so far at least as regards the ordinary class of debtors, but excepting all those who become debtors by any of the various ways which constitute breaches of trust; which latter he looked upon as criminals, deserving punishment, rather than as unfortunates entitled to commiseration. Of the substitutes offered to the bill, he preferred that proposed by Mr. VAN BUREN, except its feature of prospective application, which he objected to, and maintained the justice of making the bill applicable to all debts, past and to come.

When Mr. B. concluded, the bill was postponed to to-morrow, and the Senate adjourned.

FRIDAY, January 17.

Mr. VAN DYKE, from the Committee on Public Lands, to whom was referred the bill to enable the holders of French, British, and Spanish titles to land in Louisiana, to try the validity thereof, reported the same with sundry amendments.

Mr. BARTON, from the Committee of Claims, made an unfavorable report on the petition of James Morrison; and the report being read, was, on motion, recommitted, for the purpose of making a selection of the various papers connected with the claim, to be printed.

Mr. RUGGLES submitted a resolution, directing an inquiry into the expediency of paying the claim of David Cooper, of Michigan, for property converted to public uses.

Mr. RUGGLES, from the Committee of Claims, reported a bill for the relief of the representatives of James McClung; which was read.

Mr. FINDLAY presented the petition of Joseph S. Macpherson, a master commandant in the Navy of the United States, praying the passage of a law authorizing the equitable settlement of his accounts, for reasons stated in the petition; which was read, and referred to the Committee of Claims.

Mr. EATON, from the Committee on Public Lands, reported a bill to amend an act, entitled "An act for ascertaining claims and titles to land in the Territory of Florida," approved the 8th of May, 1822. The bill was read, and passed to the second reading.

Mr. JOHNSON, of Louisiana, submitted the following motion for consideration:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of repairing the mail road from New Orleans to Nashville, and of establishing ferries at the water courses on the route, or of making bridges over them, so as to facilitate the conveyance of the mails to and from New Orleans; and, also, to inquire into the expediency of repairing the national road commencing at Madisonville, in the State of Louisiana, and terminating at Florence, on the Tennessee river; and into the propriety of providing for the conveyance of the mails, on the said route, in covered carriages.

The bill brought up yesterday from the House of Representatives, for concurrence, was twice read, by unanimous consent, and referred to the Committee of Claims.

The bill for the relief of the heirs of Joseph Willcox was read the second time.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Vice President of the United States and President of the Senate:

The Convention concluded and signed at St. Petersburg, on the 12th day of July last, under the mediation of His Imperial Majesty the Emperor of all the Russias, having been ratified by the three Powers, parties thereto, and the ratifications of the same having been duly exchanged, copies of it are now communicated to Congress, to the end that the measures for carrying it, on the part of the United States, into execution, may obtain the co-operation of the Legislature, necessary to the accomplishment of some of its provisions. A translation is subjoined of three explanatory documents, in the French language, referred to in the fourth article of the Convention, and annexed to it. The agreement executed at the exchange of the ratifications, is likewise communicated.

JAMES MONROE.

WASHINGTON, 16*th January*, 1823.

The resolution offered yesterday by Mr. SMITH,

of Maryland, directing an inquiry into the expediency of making appropriations for the erection of fortifications on St. Mary's, within the mouth of the Potomac, and on a point in the Patuxent, being read;

Mr. SMITH stated to the Senate the advantages which would result, in time of war, to the commerce of the Chesapeake, and to the navy, from fortifications on the points designated; the security they would give to the extensive shores above, &c. He referred, also, to the protection they would afford to the Seat of Government, as no enemy could land on the Patuxent in less than twenty-five miles below the position he suggested for a work there, if a proper one were erected. These works with the aid of those below and a few steam frigates, he said, would give complete protection to the commerce of the bay and its waters, the extensive commerce of Baltimore, &c., which, thus protected, could not be interrupted by any enemy in the bay. The fortifications at the mouth of the bay, he said, could not alone protect it from the incursions of an enemy; it was necessary to have other works above. Vessels taking shelter from an enemy under the guns of the fortifications he proposed, could make sail at night fall, and before morning be out of reach of an enemy; in fact he knew of no fortifications in the country which afford as valuable protection to the commerce as these would, which he now proposed.

The resolution was agreed to.

IMPRISONMENT FOR DEBT.

The Senate then again went into Committee on the bill to abolish imprisonment for debt.

Mr. SMITH, of South Carolina, rose, and in a speech of considerable length opposed the bill in toto, and replied to its advocates. He vindicated the principles and the wisdom of the common law, and opposed any innovation upon it; contended that there was in this country no such thing, in reality, as imprisonment for debt, but, if there was, the States were competent to remedy the evil, if it was one; maintained that creditors had rights as well as debtors, and that the latter, nine times in ten, deserved no commiseration, as their want of principles or of prudence often inflicted on others far more distress than they themselves suffered.

Mr. HOLMES, of Maine, spoke a short time, on the practical effect and operation of the bill, and of the substitutes proposed—avowing himself favorable to the general principle, and suggesting such provisions as he thought would probably accomplish it, so as to produce the most good with the fewest disadvantages; for he despaired of framing such a law as would exclude from its benefits the fraudulent, while it protected the liberty and rights of the honest.

Mr. VAN BUREN delivered an argument of more than an hour's length, in support of the object of the bill. He laid down the principle that imprisonment for debt, as practised in this country, is inoperative as a remedy, unnecessarily rigorous, unjust, and ought to be abolished, in regard to debtors involving no fraud or breach of trust to the public or an individual, and this principle he defended with much earnestness. He reviewed the different amendments offered, pointing out the defects of those offered by the other gentlemen, and sustaining the expediency of adopting the principles and provisions embraced in his own substitute. When he had concluded, the bill was laid on the table, on the motion of Mr VAN DYKE.

Adjourned to Monday.

MONDAY, January 20.

Mr. LOWRIE presented the memorial of Lewis Dal Schweinctz, agent for the Society of the United Brethren, praying to be divested of a certain trust estate, for the benefit of Christian Indians, on being compensated for the improvements made thereon. The memorial was read, and referred to the Committee on Public Lands.

On motion of Mr. LOWRIE, the Message from the President of the United States of the 10th of December last, in relation to that subject, was referred to the same committee, to consider and report thereon.

Mr. GAILLARD presented the memorial of Thomas Napier, and others, merchants of Charleston, praying that certain duties paid on the importation of goods from St. Augustine, since its cession to the United States, may be refunded. The memorial was read, and referred to the Committee on Finance.

Mr. SOUTHARD presented the memorial and petition of Elijah Vansyckel, of Philadelphia, praying that the duties secured on the importation of sugars, which sugars were consumed by fire, may be remitted. Referred to the same committee.

Mr. SMITH, of South Carolina, from the Committee on the Judiciary, to which was referred the bill, entitled "An act to provide for the appointment of an additional judge for the Michigan Territory, and for other purposes," reported the same, without amendment.

The Senate resumed the consideration of the report of the Committee on Military Affairs, to which was referred the resolution instructing them to inquire into the expediency of providing for the final settlement of the militia claims of the State of Georgia, for services rendered, under the orders of the President of the United States, during the years 1792, '3, and '4; and, on motion, by Mr. WILLIAMS, of Tennessee, the further consideration thereof was postponed to, and made the order of the day for, Thursday next.

On motion of Mr. WILLIAMS, of Tennessee, the report of the Ordnance Department, which accompanied the Message from the President of the United States, of the 13th instant, transmitting the information required by a resolution of the Senate, touching the expediency of erecting a National Armory on the Western waters, was ordered to be printed for the use of the Senate.

The Senate resumed the consideration of the motion of the 17th instant, in relation to the claim of David Cooper, and agreed thereto.

The PRESIDENT communicated a letter from the Secretary of the Treasury, transmitting statements of the foreign commerce of the United States,

made in pursuance of the act of January 10, 1820; which letter was read.

Mr. RUGGLES, from the Committee of Claims, to which the subject was referred, reported a bill for the relief of Samuel F. Hooker. The bill was read, and passed to a second reading.

The bill for the relief of the legal representatives of James McClung, deceased, was read the second time.

The bill to amend an act, entitled "An act for ascertaining claims and titles to land in the Territory of Florida," approved the 8th of May, 1822, was read the second time.

Mr. BARTON, from the Committee of Claims, to which was recommitted, with instructions, the report of the said committee on the petition of James Morrison of Kentucky, with the accompanying documents, reported the same, with a list of documents to be printed.

The Senate resumed the consideration of the bill, entitled "An act concerning the disbursement of public money," as amended in Committee of the Whole; and, on motion by Mr. JOHNSON, of Louisiana, the further consideration thereof was postponed until to-morrow.

Mr. BARTON, from the Committee of Claims, to which the subject was referred, reported a bill for the relief of Samuel Hodgdon. The bill was read, and passed to the second reading.

Mr. VAN BUREN, from the Committee on the Judiciary, to which was referred the petition of Samuel Buel, made a report, accompanied by a bill for the relief of Samuel Buel. The report and bill were read, and the bill passed to a second reading.

ROAD—NEW ORLEANS TO NASHVILLE.

The Senate took up the following resolution offered by Mr. JOHNSON, of Louisiana, on Friday last:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of repairing the mail road from New Orleans to Nashville, and of establishing ferries at the water-courses on the route, or of making bridges over them, so as to facilitate the conveyance of the mails to and from New Orleans; and, also, to inquire into the expediency of repairing the national road commencing at Madisonville, in the State of Louisiana, and terminating at Florence, on the Tennessee river, and into the propriety of providing for the conveyance of the mail on the said route, in covered carriages.

Mr. JOHNSON, of Louisiana, said he had at the last session introduced these propositions, but they were not finally acted on for the want of time; that, as the inconveniences complained of still existed, he deemed it his duty again to call up the subjects, and to present them in a shape to be acted on. It would be perceived, from the present mode of conveying the mails from the city of New Orleans to this place, on horseback, through a wilderness of several hundred miles, between New Orleans and Nashville, over water-courses destitute of bridges or ferries, that they were constantly exposed to delays; and it is a fact, he said, that, in consequence, the mails were often damaged, and, in some instances, entirely lost. In short, the failure of the mails, on the route alluded to, were so frequent as to render the mail establishment, to the State of Louisiana, almost useless.

Mr. J. said that, in providing for the accomplishment of the object suggested, the great Constitutional question, which had excited so much interest as to the power of the National Government to appropriate the public money for the purpose of internal improvement, is not involved. That a considerable portion of the country, through which both these roads pass, belongs to the United States, and other portions of it are claimed by Indian tribes; consequently, the General Government can exercise exclusive jurisdiction over these subjects. It appears, by the acts of Congress, he said, that a number of roads were constructed by the United States, and under different administrations, some of which are in the original States, and that the money expended in constructing them was paid out of the Treasury of the United States. There could be no doubt, therefore, as to the power of Congress to make the appropriations required in this instance, and to adopt such other steps as may be necessary to accomplish the objects he had in view.

Mr. J. said, with respect to the great national road alluded to, he had, at the last session, explained its bad condition, and suggested the propriety of repairing it. The troops of the United States had been employed for a considerable length of time, under the immediate command and direction of General Jackson, in opening this road, and immense labor had been bestowed on it. He thought it not less important to the Western country than the Cumberland road; in a military point of view, it was calculated to be much more important; and, as a mail route, it would be of great utility. The distance from New Orleans to Nashville by this road, is said to be about three hundred miles less than by the route now used for the conveyance of the mails. But it is now unfit for any purpose whatever, and is not used. Is it not the duty of the Government, he asked, after having accomplished this great work, so important, in many respects, to the whole Western country, to adopt such steps as may be necessary to keep it in repair? It could be done at a small expense. In addition, however, to this expense, it was necessary, he thought, to obtain grants for small tracts of land at some of the water-courses on the route, for the purpose of establishing ferries thereon.

Mr. J. concluded, by remarking that the revenue accruing to the United States from the post office at New Orleans is considerable, and that the people of Louisiana had a right to expect that the same advantages as are enjoyed by the other States, in regard to the mail establishment, will be extended to them. The road should be immediately repaired, the necessary bridges and ferries established, and the mails carried in covered carriages. The Postmaster General, with whom he had consulted, concurred with him in the expe-

diency of adopting the measures proposed by his resolution.

The resolution was agreed to.

IMPRISONMENT FOR DEBT.

The Senate then resumed, in Committee of the Whole, the consideration of the bill to abolish imprisonment for debt.

Mr. SOUTHARD, of New Jersey, rose, and, after some introductory remarks, offered a substitute for the original bill, which embraces a number of sections. The following comprises the substance of the provisions:

It provides that the process of the courts should remain as they now are, but whenever a *capias ad respondendum*, or writ in the nature of it, in actions founded on debt or contract, was to be served by the marshal or other officer, and the defendant refused to give bail, he might be discharged, upon executing an assignment of all his property, with a schedule annexed, for the benefit of his creditors, to be returned by the officer with the writ; whereupon, appearance might be entered by or for the defendant, and the action proceed as usual. That the officer, under the direction of the court, should assign the property to some person, for the benefit of all the creditors, pro rata. That a notice of the assignment be published, and distribution made among the creditors who put in their claim. That a like assignment and schedule might be made when a *capias ad satisfaciendum* was to be served, and bond given for the defendant to appear and answer, if required, interrogatories respecting the fairness of the assignment, schedule, &c.; and if the creditor thought proper, he might file a declaration suggesting fraud, and have the fairness of the defendant inquired into by a jury; and if the matter was found against the defendant, the *ca. sa.* might issue, and defendant never after have the benefit of the act. That the assignment, &c., on the *ca. sa.* should inure first to the benefit of the plaintiff in the suit; next, of other judgment creditors, and then of other creditors rateably. That courts of common law might grant writs of *ne exeat* in the same cases and under like regulations as courts of equity now do.

Mr. SOUTHARD said he offered a new bill, by way of amendment, and proposed to explain its details, and compare them with the original bill, that the Senate might perceive the views which induced him to offer it, and his objections to the plans already submitted. He did not expect it would meet the approbation of a majority of the Senate, nor did he believe that any one which could be suggested would be free from difficulties, or be at this time adopted; but he yielded to the intimations, so often given in the debate, and added another to the number of propositions which were to be referred to the committee, and from which they would, if possible, select something which would be acceptable. Mr. S. read the amendment which he proposed, and added—this amendment is not founded on the notion that we are bound, always, to look to the relief of the debtor alone, and that there is a difference in the principles of moral honesty, by which the debtor and creditor are governed—the rights they possess, and the justice due to them in making and administering the law. This is a radical error in all the schemes which have been heretofore suggested, and in the truth and justice of which he could not acquiesce. All creditors are not unfeeling nor inhuman; nor all debtors, fair, honest, and worthy of compassion. Their principles and motives of action are the same, and common to human nature. If there be any difference, it is probably against debtors, and arises from the circumstance that they are suffering under misfortune, and that men are more frequently disposed to escape, by unfit means, from the pressure of calamity, than, when fortunate, to forget the duties of kindness and justice. The provisions of the law, however, should be general, and not referred to distinctions like these.

The object of the original bill is to change the relative situation and rights of the creditor and debtor. What is the relation which they bear to each other? The creditor has loaned his money, sold his property, or rendered personal service to his debtor. For the possession and use of this money, goods, or service, the debtor owes an adequate compensation, and is bound to make it, by every principle of morality and justice. He can be excused only by absolute inability. If he refuses, while he has the means, he is not innocent. The want of means never can exist while he possesses property which can be devoted to the object; and no law should intervene between him and the just claim of his creditor, so long as the power to satisfy that claim lasts. On the contrary, the authority of society ought to compel him to discharge it, by appropriating to that purpose what he possesses. One great object in the formation of society is to insure the discharge of the obligations which one citizen owes to another. Upon these principles the amendment rests. It proposes to free the person of the debtor, when he has done what is within his power, and surrendered his property; and it permits him to do this before he is imprisoned, and thereby to avoid imprisonment. When he has manifested a disposition to perform his duty, as far as his ability extends, he is to be relieved from the legal consequences of his situation. When the creditor demands payment, and it is refused, it becomes necessary to appeal to the tribunals which society has established for the settlement of such controversies. The moral and legal obligation of the debtor cannot be satisfied by a mere denial, either of the justice of the claim or the means of payment. The denial must be tried, and the aid of compulsory process, if necessary, afforded to compel a trial. The party should not be permitted to evade justice by removing himself or his property beyond the reach of the court. He ought, by some mode, to be compelled to remain and answer; otherwise it is optional with him whether satisfaction be made, and his duty performed. If he be dishonest; if he be a bad citizen; if he do not feel and acknowledge the obligation of duty,—he will leave the jurisdiction of the court, avoid its authority, and render nugatory the pursuit of the claim. There are surely many men who would feel no compunction at this course; to whom a removal, with their property, although sufficient to discharge the debt, would neither be

unpleasant nor burdensome. No creditor can ever recover from an unwilling debtor, so long as removal from one jurisdiction to another be permitted without restraint. Yet it is for the unwilling that the law is provided; on them it is always designed to act.

The original bill, by abolishing the *capias ad respondendum*, and taking away the right to bail, leaves it at the option of the defendant whether he will answer or not, and will in practice make a recovery often impossible. If, for example, a suit be commenced in Maryland, before judgment and execution, the defendant may remove to Delaware, and there is no power to prevent it. Judgment and execution in Delaware will in like manner be evaded; and this may be always done, even where the defendant has property. Such a result cannot be satisfactory to the honest part of the community. It would lead to effects upon the morals of society, and the confidence due to a well-organized Government, which are to be deprecated and avoided. The proposed amendment does avoid these effects. It leaves the *capias ad respondendum* as it now exists. It keeps possession of the body until the dispute is tried and the claim satisfied; and, as the only sure and effectual means of compelling the performance of a positive duty, by requiring bail for his appearance, it secures him until that duty is performed. If it be objected that the great object of abolishing imprisonment may thus be defeated, and it be asked whether, to secure the appearance, the body should be imprisoned, the amendment answers, in some cases it is to be imprisoned, and justly; in others it is not. The party is not to be confined if he finds bail. If he has neither property to pay the debt, nor credit to find bail, he may still remain at liberty, if he do what is within his power—give up the property he has, whatever it may be. If his credit be gone—if his estate is insolvent—let him so declare, and secure his creditors, as far as he has the means, by an immediate assignment, not only of that which is tangible and may be reached by the common writs of execution, but of all that he possesses, and be thereupon discharged. And is there any thing harsh, unreasonable, or unjust, in this? If he can, he ought to give bail, and not avoid the discharge of the obligation which morality sustains and society ought to enforce. If he cannot give security, it must arise from a state of insolvency, both of property and credit, which demands that he should not be permitted to escape, and squander his means of payment.

The difference between this amendment and the plans proposed by the honorable members from Kentucky, New York, and Virginia, will be at once perceived. Under them, the defendant cannot, in any case, be restrained or imprisoned. Under this, he can, unless he will secure his appearance, either by bail or a pledge of his property. Under them, he may escape at will. Under this, he is compelled to answer. The advantage is manifestly in favor of the latter.

The member from Kentucky (Mr. JOHNSON) proposes to avoid the evils which would result from abandoning the compulsory process, by leaving the writ of *ne exeat* in force. But this would be an ineffectual remedy. It can be issued only by one species of courts, those of equity jurisdiction, in cases of equitable demands, and would be inapplicable to a vast majority of causes. It is, besides, so expensive as utterly to forbid its use in many instances. Where the sum claimed is very small, the costs and expense of this writ would exceed the demand, and amount to a denial of justice. Nor is it easy to perceive why bail should be forbidden, on the *cap. ad res.*, and that writ abolished, while another is spared which is more expensive, and eventually produces the same result, and may lead to imprisonment. To be consistent, this writ ought also to be destroyed. It is, however, often useful to effect the purposes of justice, and the amendment provides, not only that it shall remain, but may be issued by courts of common law jurisdiction, as it is now issued by chancery. It will be remarked that the amendment proposed, continued Mr. S., makes no distinction in the character of the debtor. None ought to be made until after trial—because, until then, it cannot be determined whether the defendant be a debtor, and, if a debtor, whether unfortunate or criminal. It is alike unjust and unwise to punish frauds, or impropriety of any kind, until the delinquency be fixed by judgment. That legislation which denounces whole classes of men as fraudulent, is essentially incorrect and erroneous. Hence the exceptions made by the honorable member from New York (Mr. VAN BUREN) ought not to be admitted. No man should be condemned unheard, nor subjected to peculiar difficulties, privations, or punishments, until the decision of a competent tribunal has established his guilt. At the institution of the suit, it cannot be justly decided whether the officer is a defaulter, or the trustee, guardian, executor, or attorney, guilty of fraud. Take the executor as an example. By force of the exception, he is presumed fraudulent, and is deprived of the benefit of law—but is it true, that every executor who is sued has acted fraudulently? He may not even be a debtor—or, if a debtor, a perfectly fair and honest one. There are many cases in which his personal responsibility is involved, without the existence of moral turpitude. He may, without a proper understanding of the law, or of the situation of the estate, have paid a debt which he ought not to have paid. A claim of higher character, and which should have been first satisfied, is presented, and he has nothing left to pay it. Will you denounce and punish him as guilty of fraud? If you do, your law is unequal and oppressive, and deserves not the respect and confidence of the citizen. An executor ought, in no case, to be regarded, by your law, as having acted improperly, until a wasting of the estate, a *devastavit*, has been fastened upon him. And, even that, when adjudged by the court, is often merely technical, and implies mistake, not fraud; error, not guilt—proves no criminal intention—merits no corporal punishment. Take, also, another of the exceptions, the public defaulter. For him, when guilty, no one is even disposed to apologize. But is every

man who is nominally a debtor to the Government, necessarily a public defaulter? I verily believe that a great proportion of those who have been proclaimed to the country and the world as having squandered the public money and rioted upon the public funds, are not guilty, at least to the extent charged. Some can satisfactorily account for the expenditure when a trial shall be had. Some have been, like other men, subjected to inevitable losses and misfortunes; and a few, although they have faithfully devoted themselves to the nation, done the State good service, and received no profit, are yet unable to furnish legal evidence to account for the balance against them. Will you place all these beyond the influence of your law, presume their guilt, and draw a distinction between them and other debtors? It would be a violation, not of justice merely, but of the equal rights of the citizen. The objection, then, to these exceptions, rests on this obvious principle, debtors should not be presumed fraudulent, until fraud be proved; nor stigmatized as guilty until guilt be established. No distinction should be made at the commencement of the suit. The present laws of the States and the Union, make none, and he did not perceive the justice of the innovation proposed.

The simple proposition, which the amendment suggests, with respect to the first process in the action, is, that bail may be required to secure the appearance of the defendant to answer the demand. This being accomplished, no further claim is made upon his person; or, if the defendant, being insolvent, have not credit to obtain the security, he may devote his property to that object. In either case, the legitimate design of the arrest has been obtained, and imprisonment is unnecessary. In practice, this provision can create no difficulty. The honest man can find pledges for his appearance, at any stage of the proceeding. He who cannot, must have lost the confidence of those around him, and ought to place his property where it may satisfy just claims.

But, sir, there is another and more important process against the debtor, and which the bill abolishes: a process after judgment, to enforce its payment—the *capias ad satisfaciendum*—in common parlance the *ca. sa.* When judgment is pronounced, the justice and extent of the creditor's demand are no longer doubtful. It is liquidated and established; and he has a perfect right to have it satisfied, and to call upon the power of society to enforce it against an unwilling debtor, by all the means which are properly calculated to produce the effect. The first process, for this purpose, ought to be directed against the property: that should be first devoted to the object. But such writ cannot always be effectual; the property may be secreted, or of such kind as will be exempt from seizure, by any process now known, although the defendant has an immense amount of it in his hands and under his control. Even a limited experience will inform us, that executions against property are often eluded by those who live most luxuriously, but who, having no visible estate on which the officer can levy, may entirely escape the coercion of the law, if their persons be protected. Is this right? Is it just? Is it wise in government, is it correct in morals, to permit it? While the debtor, it may be, riots in expensive pleasures, and enjoys his wealth, beyond the reach of your law, the creditor, with his family, may be reduced to the utmost penury and distress, fit objects for the exercise of those feelings of compassion, which the honorable members from Kentucky, Virginia, and New York, have lavished so profusely on the debtor alone. Surely that is a misguided humanity, which wastes itself upon one class, in total forgetfulness of the sufferings of others, though created, perhaps, by the objects of its benevolence, and in utter disregard of the claims of justice. If, sir, the body of the debtor is to be secured from imprisonment, every mode to reach the *whole* property should be furnished, or you will work monstrous injustice: you permit, without rebuke, the violation of contracts—the neglect of obligations—the prostration of the very elements of which civil society is composed.

I would, therefore, continued Mr. S., free the body then, and then only, when an assignment had been made, of such kind that every species of property, real and personal estate, choses in action, public stocks, every thing by which debts could be paid, might be controlled and commanded by it, and the creditor placed in the entire rights of the debtor, and enabled to secure his claim against the efforts of concealment and fraud, if such should be practised. The third section of the amendment endeavors to reach this result, by such modifications of the usual proceedings, as will extend kindness to the debtor, without infringing the not less sacred rights of the creditor. It leaves the *ca. sa.* or writ in the nature of it, untouched: that the officers may, if necessary, take the body; but directs that the body be not taken, if the defendant will assign his property for the payment of the debt. It is only in this, or some similar mode, that the equal rights of the two parties can be protected, and honesty and justice maintained. To maintain them, I would preserve the right to imprison the body of the freeman, however humiliating the idea may seem. On this point, sir, I have no peculiar professions to make of humanity and feeling, or respect to the person and liberty of the citizen, as passports to the confidence of the body I address; nor shall I be regarded as unmindful of them, because I do not make such professions. We have two objects to effect, and it is not wise nor just to permit the one to absorb the other. Contracts should be held inviolable. No man should be suffered to escape from their performance, until his power to perform had ceased. The demands of justice and honesty should be rigidly enforced, and if the seizure of the body be necessary to enforce them, the body should be seized. No relief should be extended, from humanity to the debtor, until he had done what they require. And, in order to accomplish this object, imprisonment should be retained as one of the most efficient means. It has been most incorrectly considered and treated, in this discussion, as a punishment for being unfortunately in debt, and for not doing

what the party had not the power to do—as a tyranny, exercised by one citizen over another. It never was designed as a punishment—nor as the instrument of tyranny, but as a means, and a powerful one, of compelling the performance of obligations—the surrender of property. And when that is effected, its purpose is answered. If it be carried beyond that point, it then, and then only, ceases to be a means of enforcing a duty, and is converted into a punishment. Such it never ought to be—such it never can be, under the proposed amendment. Whenever the property is surrendered, the body is free, because then imprisonment becomes unjust and oppressive, and should not be permitted. It then ceases to answer any valuable purpose, but produces a positive evil, by depriving society, without necessity, of the services of the citizen for his own support and the profit of the community. That the fear of imprisonment will, in many cases, restrain men from creating unnecessary debts, and induce them to assign their property and pay while they can, is not to be questioned. To disbelieve it, is to deny some of the most ordinary feelings of human nature. Against the pain and disgrace of imprisonment, pride and the love of character revolt. The fondness for pleasure, attachment to property, disposition to fraud, will often sink beneath its influence. It is one powerful instrument of enforcing the payment of debts—of these we have not too many; and therefore let not this be discarded until we find a fit substitute.

Nor does it seem to me, sir, a matter of much importance, whether imprisonment for debt originated in ancient or modern times, was one of the provisions of the old common law, or has been superadded by statutory regulations. I would respectfully suggest to the honorable member from New York, that the question is scarcely worth an expenditure of time, or the exertion of his talents and learning. There are many principles which, if not found in the earliest records of that law, have been incorporated by ancient statutes, and are now, as essentially as any others, a portion of it; such is the power of which we speak. For much more than a century, every court, in every place, which has administered justice according to the principles of the common law, has issued this writ, and exercised power over the person of the debtor, not as a punishment, but as the means of procuring satisfaction of the judgment. And whatever be its origin in England, its exercise there is found, at a period and among a people altogether unworthy of the epithets bestowed by the member from Virginia, (Mr. BARBOUR.) It was extended, confirmed, and practised there—where they loved liberty as well as we love it—where are found some of the most illustrious instances of devotion to its cause—and whence we have derived some of our most valuable institutions, and drawn some of the best lessons we have learned. And our liberties never will suffer reproach from that cause, if we preserve it, without abuse, to operate only on those who are unwilling to be just.

The honorable member from Virginia (Mr. BARBOUR) maintains, in respect to this power, a principle both novel and unsound. He seemed to insist that society did not possess this power over the person, to enforce the execution of the contract, although its control, for that purpose, over the property, was rightful and complete. Whence, sir, has he learned this doctrine? I know not in what system of moral or political law it is to be found. I had supposed that civil society, especially a society established and regulated by the consent and will of freemen, had perfect right and power to regulate its government and the contracts of its citizens, and enforce either upon the person or property, the claims of duty and the obligations of justice. I have yet to learn, that the person may not be restrained, to compel obedience to the requisitions of morality and law. And this is the only fair purpose of imprisonment after the judgment.

As the amendment proposes that the body be free from arrest and imprisonment, both on the original and final process, when the debtor has made an assignment which shall transfer his rights to his creditors, this assignment is the next feature worthy of attention. The officer having the writ to execute is the only person to whom, in the first instance, this assignment can be made; but he takes it, as the temporary agent and trustee of the creditors; and that the return of writ, transfers, under the direction of the court, his agency and trust to some one who shall collect and distribute the money among those who are entitled to it. This receiving and transfer is all the officer has to do, and is all that his engagements would permit. In doing it, he acts in a similar capacity as when he receives a bond for the appearance of the defendant, and assigns it, on motion of the plaintiff, where the appearance is not perfected.

When the assignment is made on the *cap. ad res.*, at the commencement of the suit, it is to inure to the benefit of all the creditors, in proportion to their claim. This is just, because, the debtor being insolvent, and no one having exhibited extraordinary vigor in pursuit of his rights, nor obtained any peculiar claim on him, no reason can be urged why one should be preferred and a rateable distribution not made among all. All are in equal right; all should be equally benefited. But when the assignment is taken, after the judgment, at the execution of the *ca. sa.*, it is to inure to the benefit, first of the plaintiff, then of other judgment creditors, as far as can be done without giving fraudulent preferences; and afterwards of other creditors, in proportion to their claims. The plaintiff, having been alert in establishing his rights, and obtained a peculiar lien, his debt ought to be first discharged, as one of the highest grade. *Vigilantibus et non dormientibus leges subservient.*

But, sir, although the debtor may have executed an assignment, and annexed to it a schedule of his property, yet he may not have acted faithfully; a part may be concealed from the officer, and the creditor defrauded. Hence, it is provided that, on the execution of the assignment on the *ca. sa.*, a bond shall also be given, conditioned to appear and answer interrogatories respecting his property,

under the direction of the court, if it shall be supposed necessary to propound them. In many, probably in most cases, such interrogatories will not be considered necessary, because it will be apparent that a faithful surrender has been made. But, wherever fraud is suspected, this provision will furnish a ready mode by which it may be detected or disproved. Its object is to reach the debtor to the utmost extent, and leave him no possible means of evasions, unless he escape through the medium of perjury, and dares its pains and penalties. He is to be freed, Mr. S. repeated, from the obligation of immediately discharging his contract, only when he has faithfully endeavored to discharge it. And if, in any stage of the proceedings, he fails to comply with the requirements of the law, or if, in the investigation, he shall be found to have acted fraudulently, the fact is to be recorded, and he is to be forever left without the protection which the law affords to the honest debtor; the writ is to be executed, and he is to suffer the imprisonment he merits. This warning is calculated to produce caution, circumspection, and fair dealing. But the existence of the fraud which is to be thus punished, is not to be presumed but proved. It must be established by trial, and rest upon the verdict of a jury.

I have thus, Mr. President, exhibited the principal features of the plan I propose. The remainder of the amendment is auxiliary to the provisions I have explained, and calculated to sustain the positions I have assumed in the argument; and, although I profess no peculiar regard for the scheme, and it may not meet the approbation of the Senate, yet to me it seems better than any other yet offered, calculated to effect the ends both of humanity and justice, and to approach somewhat nearer to that phenomenon in legislation, the perfect liberty of the person of the honest debtor, reconciled with the strict rights and just claims of the creditor.

There are some reasons in favor of this amendment, which are worthy the consideration of the Senate. Its principal feature is, that it does destroy imprisonment in every case, except that of fraud which is proved, not presumed; settled by trial and judgment, not anticipated before investigation. It goes further, in this respect, than any other, except the original bill, which seems to cast loose all restraint upon the debtor, leaves the creditor without remedy, and makes the enforcement of contracts a matter not of compulsion but of choice. Under this amendment, no honest man can be imprisoned; none but he who refuses to pay his debts while he has the power.

It also leaves all our writs as they now are, and only changes, in some respects, the modes of executing them; and, although the eloquent member from Virginia has found so much to censure, in attachment to well known usages and instances, and supposes an unwillingness to change radically our system of judgments and executions, arising from bigotry of feeling and the remains of devotion to the maxims of ancient tyranny, yet I for one am willing to bear the imputation, rather than encounter the consequences of the course he proposes. It may, sir, be devotion to ancient maxims, but they are maxims connected intimately with the very objects for which civil society was formed—maxims which compel faithfulness between citizen and citizen, which will sustain honesty and repress fraud. It may, sir, be bigotry, but it is that species of bigotry which rigorously enforces the obligations of duty and the demands of justice. The preservation of our present process will lead to these results, and save us from uncertainty and confusion. Wherever in society, especially in the administration of law, there is a well known course of practice, it should remain unaltered, unless the benefits of a change are palpable and sure. At present, the court, the bar, every intelligent member of society, understands the details and operation of your system; and if you can effect the great purpose you have in view, leaving those details essentially unchanged, you accomplish much for the peace and order of society. You do this especially in the case for which you are legislating. It is to be remembered that our Union is composed of twenty-four independent Republics, each of which has peculiar and favorite modes of proceeding, and each of which is to be, in a greater or less degree, reached and affected by your decision. Innumerable diversities exist in every part of their practice, from the commencement to the end of the suit; and no man is learned or wise enough to calculate the extent to which any change you may make will injuriously act upon them. Will you not, ought you not, to be cautious how you trespass? Is it not the dictate of wisdom that you do not innovate without necessity? So thought and acted those who preceded us in legislating on this subject.

When the judicial system of the United States was established, the existing process of the several States, though in many respects dissimilar, was, by positive enactment, adopted as the rule in the courts of the Union. It was a wise regulation, and should not be incautiously overthrown. Yet such must be the effect of the bill, and most of the proposed amendments. This fact, Mr. S. added, furnished the principal difficulty, and afforded one reason on which I ventured the belief, that we should devise no system which would be approved by this body. But it is not the only difficulty. Your courts must become insolvent courts. In every case the same proceedings must be had; the property surrendered. And what is to be the operation of a discharge? A discharge to-day will not be one to-morrow—in the case of A will not operate in the case of B—in Maryland will not be conclusive in Delaware. There must be a repetition of proceedings as often as the defendant is sued. Would it not, then, be better to leave all legislation on this subject to the States, where it properly belongs, and, by continuing to adopt their process, free the debtor in your courts when he is freed in theirs, and then only? Or superadd, at once, to the insolvent system you provide, the bankrupt principle of absolving from the debt, and permitting one discharge to be pleaded against every claim? But, Mr. S. added, it was not his intention to pursue these difficulties. There was

a strong inclination manifested to legislate on the subject, and his desire was to aid in discovering the best mode of accomplishing the object in view, and averting the evils which, he believed, were threatened by the bill and some of the amendments. The amendment which he proposed, he thought, merited attention for another reason. The Federal and State courts are now equally open, and furnish the same facilities in the prosecution of claims. But, if you take away the writ of *ca. sa.* in the manner proposed, you immediately create a distinction between them, a distinction which must eventually operate unfavorably to the Government of the United States and to the Federal courts; for you lessen their means of recovering debts, and drive suitors from them. Your system can affect only your own courts, and when a citizen is about to sue, he will inquire where are the most numerous and efficacious means of attaining his purpose, and finding them in the State courts he will sue there. He will not institute a suit where the person of the defendant is directly, and his property indirectly, free from control, but will seek relief where both may be coerced. But, sir, the suits of your Government will be decided there; and while individuals will escape from the pressure of your law, by suing in other courts, your Government will have diminished means of recovering its dues. It will not only have one instrument less than the citizen to compel payment, but that very circumstance will induce the debtor always to postpone your claim, and satisfy first the man who can most effectually reach his comfort and feelings as well as his purse. Thus the operation of this bill will be upon the courts of the United States, and upon the claims of the Government. Your courts will be less efficient—your dues less safe. This result is avoided by the amendment. None of the present facilities in the collection of debts are surrendered. The property can be secured, the person controlled, so long as its control is necessary for effecting payment. You lose nothing; perhaps it may safely be said you gain something in the efficiency of your system.

This amendment also, in some degree, meets the wishes of the honorable member from Virginia, (Mr. TAYLOR,) in breaking down that distinction between insolvency and bankruptcy, to which he so strenuously objects. It applies to every member of the community—to the farmer, mechanic, manufacturer, and merchant—and it is equally operative in every State. In some of the States the entire abolition of the capias must produce much inconvenience and injustice. If I am rightly informed, and the honorable member from Virginia (Mr. BARBOUR) can correct me if I err, in one or more of the States, real property is not permitted to be sold for the payment of debts. If, then, you absolve the person of the defendant, in what way can you possibly compel him, who is unwilling and dishonest, to satisfy a judgment against him? Your execution will not reach his land, and you cannot touch his body, to induce him to surrender it. He will disregard your judgment, and laugh at your process. Sir, I would not permit this mockery; I would not assent to a proposition which would suffer such dishonesty, which would not operate equally everywhere, and reach the utmost farthing of the property, wherever the person was protected. This fact, that, in a portion of your Union, the whole land is not subject to sale under execution, is a sufficient objection to the bill, and a strong argument in favor of the amendment.

I have thus given you, sir, the opinions which I entertain on the subject under discussion, and explained the reasons which induce me to prefer the amendment which I have offered to you; and I should here have closed my remarks, were it not for the gratuitous and unmerited denunciation by the gentleman from Virginia (Mr. BARBOUR) of the State from which I come, on account of one of her laws, by which, it is said, a free man has been sold—a denunciation interesting to my feelings, and which seems to require some explanation from me, as a Representative of that State. It was not easy, sir, for me to perceive the application which this censure had to the argument, nor why the honorable member should have thought it necessary to wander from the question, in order to make it. But having been made, I am sure I shall be indulged with a pardon for detaining the Senate a few moments in stating the character and history of that law, as far as I now recollect it. It was passed at a period somewhat remote, when our ideas were not, perhaps, so definite, and our feelings so acute on such points as at present; a period when many, perhaps all, the States, had laws, not less negligent of the rights of the citizen, which it would be difficult to reconcile to our present notions of what is compatible with liberty, or suitable for freemen; and which prove that New Jersey was not more barbarous than her sisters. Abundant illustrations of this truth might be presented, but I can take no pleasure in recounting them. This law did not apply to females, to married men, to those who had families dependent upon them. It operated only on unmarried men, without children, between the ages of twenty-one and thirty. It was produced, in part, by the peculiar situation of the State, and rested upon this principle, that such men as I have mentioned, who had contracted debts without the means of paying them, were under a moral obligation, which it would not be injustice to force them to discharge, even by personal service, and if they would not willingly render that service, to compel them. Hence, if they did not arrange the satisfaction of the debt, the court was directed to dispose of their labor for that purpose. Now, sir, although I am not the advocate of that law, but was, in some measure, the instrument of its repeal, yet I am the apologist of those who passed it. Its principle was sound, the object to be obtained was correct, but the mode of affecting it was more questionable. And although it was passed at the period mentioned, applicable to the persons designated, founded on the principle stated, yet it was seldom, perhaps never executed, until, in the case alluded to by the honorable member, it was enforced upon a man who merited all that

the court had power to inflict. He was hired out, or, if you please, sold, for a term of service, to pay the debts which he had fraudulently, and immorally contracted, and which he would not satisfy. And it proved a nominal, not real punishment—some small price was given, and the purchase never enforced. And yet, after this mild, and almost unobjectionable operation of that law was brought to the notice of the Legislature, it was, in less, I believe, than forty-eight hours, and by an unanimous vote, expunged from the statute book. Does, then, its character or history justify peculiar rebuke? Beside, it is the principal, if not only blot upon the code of that State. Few things can be found in it to call in question her liberality and love of freedom. I challenge the production of a system more pure—where the duties of humanity are more sacredly regarded, and the equal rights of equal citizens more thoroughly protected. It is a code, sir, fit to govern that race of freemen, who prepared for themselves, and still enjoy, the first free written constitution in existence.

But although the censure of the honorable member was calculated to give some pain, it was also calculated to give some pleasure; inasmuch as it seemed to be an ample pledge that it could not be retorted, and that the State which he represents had relieved her statute book from every censurable feature. I rejoice if it be so—for if I remember aright, in the last revision of her laws, published about three years ago, there were some provisions which seemed objectionable, at least to those who did not well understand her situation and internal policy. I allude to those provisions, by which a freeman convicted of an inferior crime, by an inferior tribunal, might be sold—by which a freeman might have his body lacerated in the public streets, not upon a judicial conviction, before a jury; not after a fair and impartial trial, but after a summary proceeding, his guilt being established by the uncorroborated oath of the injured party—by which a freeman, married or unmarried, who had not visibly a regular and honest mode of obtaining a livelihood, might be apprehended upon warrant, and hired to personal service—by which the time and services of a freeman might be sold to satisfy the taxes due to the Government.* And these may have been repealed—or if not repealed, can be amply explained and justified, else, surely, would not the honorable member have ventured the picture which he presented of the tyranny and barbarity exercised in another State. But, sir, whether repealed or justifiable, is of little moment in the decision of the question before the Senate, and I submit to its candor the explanation given of the law of New Jersey, as well as the amendment to the bill upon your table.

When Mr. S. had concluded—

Mr. BARBOUR made a few remarks in reply to Mr. S. on one or two incidental points touched by the latter.

Mr. TAYLOR, of Virginia, followed, at some length, in reply to Mr. SOUTHARD, and in support of his own substitute, which he thought preferable, in principle and practice, to that offered by Mr. S. The amendment of Mr. S., he argued, began where it ought to end; it commenced with bankruptcy, instead of ending with it—and a debtor, under such a law, would in the outset be compelled to choose between bankruptcy and a prison. Mr. T. took an excursive view of the common law, citing several of its ancient absurdities and its anomalous principles, to show that it was an unfit guide in legislating for this country, and the present age. He also added some remarks in further support of the justice and expediency of the abolishment of imprisonment for debt.

After a few explanatory observations, between Mr. SMITH, of South Carolina, and Mr. TAYLOR, of Virginia, touching the merits of the common law, the bill was laid on the table, and the amendment of Mr. SOUTHARD ordered to be printed.

TUESDAY, January 21.

Mr. LLOYD, of Massachusetts, presented the petition of Seth Knowles, of Charlestown, in the State of Massachusetts, praying debentures on a quantity of rum exported. The petition was read, and referred to the Committee on Finance.

The PRESIDENT laid before the Senate the petition of Susan W. Eakin, widow of the late Lieutenant Samuel A. Eakin, of the United States Navy, deceased, praying some provision by law for her support. The petition was read, and referred to the Committee on Naval Affairs.

The PRESIDENT also communicated a memorial of the General Assembly of the State of Indiana, praying a different organization of the United States court for the said State. The memorial was read, and referred to the Committee on the Judiciary.

Mr. SMITH, of South Carolina, presented the memorial of a number of the Banks of Charleston, South Carolina, and others, representing the expediency of certain alterations in the charter of the Bank of the United States. The memorial was read, and referred to the Committee on Finance.

The bill for the relief of Samuel Hodgdon was read the second time.

The bill for the relief of Samuel Buel was read the second time.

The bill for the relief of Samuel F. Hooker was read the second time.

Mr. BENTON, from the Committee on Public Lands, to which the subject was referred, reported a bill to enable the President of the United States to treat with the Chippewa Indians for the purchase of certain lands on the south side of Lake Superior, supposed to contain valuable mines of copper; and the bill was twice read, by unanimous consent.

Mr. BENTON also laid before the Senate a communication from Governor Cass, detailing certain

* These statutory provisions are not alluded to for the purpose of fastening *peculiar* censure on that State—for the reasons on which they were founded may not be understood; and no State has been *always* humane, just, and equal in its laws.

information in relation to the said subject, which was read.

Mr. BENTON, from the same committee, to which the subject was referred, reported a bill to authorize the President of the United States to cause the lead mine and salt spring lands belonging to the United States, to be exposed to public sale; and the bill was twice read, by unanimous consent.

Mr. BENTON, from the same committee, also reported a bill to establish an additional land office in the State of Missouri; and the bill was twice read, by unanimous consent.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the benefit of George Shannon; and, on motion, the further consideration thereof was postponed to, and made the order of the day for, Friday next.

On motion by Mr. BARBOUR, the Message from the President of the United States of the seventeenth instant, transmitting copies of the ratification of the Convention concluded at St. Petersburg, on the 12th of July, 1822, was referred to the Committee on Foreign Relations.

WILLIAM KELLY, appointed a Senator by the Legislature of the State of Alabama, to fill the vacancy occasioned by the resignation of John Walker, produced his credentials, was qualified, and took his seat in the Senate.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to authorize the purchase of a number of copies of the sixth volume of the Laws of the United States; and the same having been amended, the further consideration thereof was postponed until to-morrow.

The bill was taken up to release Amos Muzzy and Benjamin White from imprisonment, the former being confined under a judgment against him for defalcation in the payment of moneys received by him, as postmaster, at Sangerfield, New York, and White being confined under a judgment against him as the security of Muzzy.

The Committee on the Judiciary, to whom this bill had been referred, recommended the rejection of the bill; and now it being moved by Mr. MILLS to postpone the bill indefinitely, it was so postponed, and of course rejected.

The bill from the House of Representatives, "in addition to the act to continue in force an act to protect the commerce of the United States and to punish the crime of piracy," passed through a Committee of the Whole, and was ordered to a third reading.

The bill granting to the State of Alabama the right of pre-emption to certain quarter sections of land, also passed through a Committee of the Whole, and was ordered to be engrossed for a third reading.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to regulate the intercourse between the United States and certain British colonial ports; and, on motion by Mr. LLOYD of Massachusetts, it was laid on the table.

The Senate took up the bill from the other House, "concerning the disbursements of public moneys," and, after some explanation by Mr. LOWRIE, of the amendments reported by the Committee of Finance to the bill, (giving a discretion, in certain cases, to the Heads of the Departments only, as heretofore particularly stated,) the amendments were agreed to, and the bill ordered to a third reading.

IMPRISONMENT FOR DEBT.

The Senate then again resumed, in Committee of the Whole, the consideration of the bill to abolish imprisonment for debt.

Mr. VAN DYKE offered his views of the propositions before the Senate, and his reasons for being opposed to the broad measure originally proposed, yet in favor of a modified system of exemption from imprisonment for debt. He concluded by moving that the bill and amendments be referred to a select committee of seven members, that they might, having heard the various views offered by gentlemen, endeavor to frame, from the different substitutes which had been proposed, such a bill as would meet the concurrence of a majority of the Senate.

This motion was agreed to, and Messrs. VAN DYKE, JOHNSON of Kentucky, VAN BUREN, SOUTHARD, MILLS, TAYLOR of Virginia, and SMITH of South Carolina, were appointed the committee.

WEDNESDAY, January 22.

Mr. SMITH, of South Carolina, from the Committee on the Judiciary, to which was referred the petition of John L. Wilson, and others, reported a bill to divide the State of South Carolina into two judicial districts. The bill was read and passed to the second reading.

Mr. SMITH also presented the petition of Elihu Hall Bay, and others, praying for a confirmation of certain land titles in the State of Louisiana. The petition was read, and referred to the Committee on Public Lands.

Mr. LOWRIE, from the Committee of Finance, made an unfavorable report on the petition of Stephen T. Northam and others, of Rhode Island, (who pray the remission of part of the amount paid the Government, for a license to distil molasses, in consequence of an inundation by which a large quantity of the article was destroyed, and their distillery consequently suspended for a portion of the time for which they had taken out license;) and the report was read.

THURSDAY, January 23.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

In compliance with a resolution of December 12th, 1822, requesting that the President would cause to be laid before the Senate, a statement, exhibiting the amount, in aggregate, of goods, wares, and merchandise, exported from the United States to France, and imported from thence, in each year, from and after the year 1814 to the year 1820, discriminating, in the reports, between the articles of the growth, produce, or manufacture of the United States, and those of foreign countries; and, also, stating the national char-

racter of the vessels in which such exports and imports have been made; I transmit a report from the Secretary of the Treasury, which contains the information desired.

JAMES MONROE.

JANUARY 22, 1823.

The Message and accompanying report were read, and ordered to be printed for the use of the Senate.

The following Message was also received from the PRESIDENT OF THE UNITED STATES:

In carrying fully into effect the intention of Congress in making an appropriation of five thousand dollars, by the act of the 14th April, 1820, for the survey of the Ohio and the Mississippi rivers, from the Rapids of the Ohio, at Louisville, to the Balize, for the purpose of facilitating and ascertaining the most practicable route of improving the navigation of these rivers, orders were given, through the proper department, to the Board of Engineers, to examine and survey the said rivers, with reference to those objects, and to report their opinion thereon; which they have done, and which report I now communicate for the information of Congress.

JAMES MONROE.

JANUARY 22, 1823.

The Message and accompanying report were read.

Mr. CHANDLER presented the petition of Daniel Merrill, praying compensation for his services during the Revolutionary war. The petition was read, and referred to the Committee of Claims.

Mr. BARTON submitted the following motion for consideration:

Resolved, That the Committee on Finance be instructed to inquire into the expediency of making an appropriation to enable the President of the United States to extinguish the Indian title to the tract of country on the south side of Missouri river, between the western boundary of the State of Missouri and the Osage line, which runs from Fort Clark to the Arkansas, or to so much thereof as the tribes claiming it may be disposed to sell.

Mr. HOLMES, of Maine, submitted the following motion for consideration:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of authorizing the principal mail from Washington, eastward, to be conveyed in steamboats, where such conveyance is practicable, for the same rates of postage as are allowed for such conveyance, by land.

Mr. BROWN, of Ohio, from the Committee on Roads and Canals, to which was referred the bill entitled "An act for laying out and making a road from the Lower Rapids of the Miami of Lake Erie to the western boundary of the Connecticut Western Reserve, in the State of Ohio, agreeably to the provisions of the Treaty of Brownstown," reported the same, without amendment, which was read.

The bill entitled "An act in addition to 'An act to continue in force 'An act to protect the commerce of the United States, and to punish the crime of piracy,' and, also, to make further provision for punishing the crime of piracy," was read a third time, and passed.

The bill entitled "An act concerning the disbursement of public money," was read a third time, as amended, and passed.

The engrossed bill granting to the State of Alabama the right of pre-emption to certain quarter sections of land, was read a third time, and passed.

The Senate resumed the consideration of the report of the Committtee on Military Affairs, to which was referred the resolution instructing them to inquire into the expediency of providing for the final settlement of the militia claims of the State of Georgia for services rendered, under orders of the President of the United States, during the years 1792,-'93, and '94; and, on motion by Mr. WILLIAMS, of Tennessee, the further consideration thereof was postponed until Monday next.

Mr. HOLMES, of Mississippi, presented the memorial of John McAllister, of Alabama, praying the confirmation of his title to a tract of land.—Referred to the Committee on Public Lands.

The Senate resumed the consideration of the report of the Committee of Claims, to which was referred the petition of Archibald F. Macneill, of North Carolina; and

Mr. MACON made the following motion:

Resolved, That the report of the Committee of Claims, on the petition of Archibald F. Macneill, be recommitted to the same committee, with instructions to inquire into the expediency of granting him time to pay the sum due the United States:

Which motion was rejected; and, in concurrence with the report, resolved, that the prayer of the petitioner ought not to be granted.

The Senate resumed the consideration of the report of the Committee on Finance, to which was referred the petition of Stephen T. Northam, and others, of Newport, Rhode Island; and, in concurrence therewith, resolved, that the prayer of the petitioners ought not to be granted.

The bill to divide the State of South Carolina into two judicial districts, was read the second time.

Mr. EATON gave notice, that to-morrow he should ask leave to introduce a bill to regulate the collecting of debts in the District of Columbia.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to authorize the purchase of a number of the copies of the sixth volume of the Laws of the United States; and, the same having been amended, it was reported to the House accordingly; and, the amendment being concurred in, the bill was ordered to be engrossed and read a third time.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of Samuel Walker, and others; and, no amendment having been made thereto, it was reported to the House, and ordered to be engrossed and read a third time.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act to amend an act, entitled 'An act further to regulate the entry of merchandise imported into the United States from any adjacent territory," together with the amendment reported thereto by the Committee on Finance; and, the amendment

being agreed to, on motion, the further consideration thereof was postponed until to-morrow.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act to make perpetual an act passed the third day of March, 1817, entitled 'An act to continue in force an act, entitled 'An act further to provide for the collection of duties on imports and tonnage, passed third day of March, 1815, and for other purposes;" and, on motion, the further consideration thereof was postponed until Monday next.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to enable the holders of French, British, and Spanish titles to land, within the State of Louisiana, which have not been recognised as valid by the Government of the United States, to institute proceedings to try the validity thereof, and for other purposes; and, on motion, the further consideration thereof was postponed until Monday next.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of the heirs of Joseph Wilcox; and, the bill having been amended by filling the blank with "400," it was reported to the House accordingly; and, the amendment being concurred in, the bill was ordered to be engrossed and read a third time.

The Senate resumed the consideration of the bill for the relief of the legal representatives of James McClung, deceased; and, no amendment having been proposed thereto, it was reported to the House, and ordered to be engrossed and read a third time.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to amend "An act for ascertaining claims and titles to land in the Territory of Florida," approved the 8th of May, 1822; and, on motion, it was laid on the table.

Mr. EATON, from the Committee on Public Lands, reported a bill to repeal so much of an act, passed the 18th April, 1806, as limits the price of certain lands in the State of Tennessee. The bill was read, and passed to the second reading.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act to provide for the appointment of an additional judge for the Michigan Territory, and for other purposes;" and, on motion, it was laid on the table.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of Samuel Hodgdon; and, no amendment having been made thereto, it was reported to the House, and ordered to be engrossed and read a third time.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of Samuel Buel; and the further consideration thereof was postponed until to-morrow.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to establish an additional land office in the State of Missouri; and the further consideration thereof was postponed until Wednesday next.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of Samuel F. Hooker; and, no amendment having been made thereto, it was reported to the House, and ordered to be engrossed and read a third time.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to enable the President of the United States to treat with the Chippewa Indians for the purchase of certain lands on the south side of Lake Superior, supposed to contain valuable mines of copper; and the further consideration thereof was postponed until Monday next.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to authorize the President of the United States to cause the lead mine and salt spring lands to be exposed to public sale; and the further consideration thereof was postponed to, and made the order of the day for, Wednesday next.

CARVER'S GRANT.

Mr. VAN DYKE, from the Committee on Public Lands, made the following report, which was read, and ordered to be printed:

The Committee on Public Lands, to whom was referred the petition of Samuel Harrison, agent for the heirs of Captain Jonathan Carver, praying for the recognition and confirmation of an Indian deed for a large tract of land near St. Anthony's Falls, on the Mississippi; and also the petition of the Rev. Samuel Peters, LL. D., who claims said tract of land as assignee of the heirs of said Captain Carver, and prays that he may be permitted to take possession of the same, report:

The petitioners state that Captain Jonathan Carver, in the year 1766, took a long tour among the Indian tribes, two hundred miles west of the falls of St. Anthony, on the Mississippi, and made important discoveries during his travels and residence of two years and five months with various Indian tribes, which he caused to be printed and published in London in 1773.

That, by his conciliatory manners, he gained the good will of the Indian tribes, and became the peacemaker between two large nations who were at war; and, to reward him for his wisdom and friendly interposition, the Sachems of the Naudowissies were pleased to grant, and accordingly gave to him and his heirs, a deed for a tract of land, therein specially described, dated at the Great Cave, May the 1st, 1767. That the chiefs of said tribe made him a chief of their tribe on the same day, and he then engaged to return and settle in said territory with his family and connexions. (An alleged copy of said deed is inserted in the first-mentioned petition.) That Captain Jonathan Carver afterwards returned to Boston, and sailed for London, where he arrived in the year 1769, and soon after laid his deed before the British Government, praying for the confirmation of it, and received for answer, that it should be confirmed as soon as the history of his travels was printed and published. But, in consequence of the misunderstanding which existed between Great Britain and America, the ratification of the deed was suspended. That Captain J. Carver died in London, January the 31st, 1780, leaving a numerous progeny; and, by the establishment of the independence of

America, the right to gratify Indian grants devolved upon the Government of the United States.

The Rev. Samuel Peters in his petition further states that *Lefei*, the present Emperor of the *Sioux*, and *Naudowissies*, and *Redwing*, a Sachem, the heirs and successors of the two grand chiefs who signed the said deed to Captain Carver, have given satisfactory and positive proof that they allowed their ancestors' deed to be genuine, good, and valid, and that Captain Carver's heirs and assigns are the owners of said territory, and may occupy it free of all molestation.

The committee have examined and considered the claim thus exhibited by the petitioners, and remark, that the original deed is not produced, nor any competent legal evidence offered of its execution; nor is there any proof that the persons who it is alleged made the deed were the chiefs of said tribe, nor that (if chiefs) they had authority to grant and give away the land belonging to their tribe. The paper annexed to the petition as a copy of said deed has no subscribing witnesses, and it would seem impossible, at this remote period, to ascertain the important fact that the persons who signed the deed comprehended and understood the meaning and effect of their act.

The want of proof as to these facts would interpose in the way of the claimants insuperable difficulties. But, in the opinion of the committee, the claim is not such as the United States are under any obligation to allow, even if the deed were proved in legal form. The British Government, before the time when the alleged deed bears date, had deemed it prudent and necessary, for the preservation of peace with the Indian tribes under their sovereignty, protection, and dominion, to prevent British subjects from purchasing lands from the Indians; and this rule of policy was made known and enforced by the proclamation of the King of Great Britain of the 7th October, 1763, which contains an express prohibition. Captain Carver, aware of the law, and knowing that such a contract could not vest the legal title in him, applied to the British Government to ratify and confirm the Indian grant; and though it was competent for that Government then to confirm the grant, and vest the title of said land in him, yet, from some cause, that Government did not think proper to do so. The territory has since become the property of the United States; and an Indian grant not good against the British Government would appear to be not binding upon the United States' Government. What benefit the British Government derived from the services of Captain Carver, by his travels and residence among the Indians, that Government alone could determine, and alone could judge what remuneration those services deserved. One fact appears from the declaration of Mr. Peters in his statement in writing among the papers exhibited, namely, that the British Government did give Captain Carver the sum of one thousand three hundred and seventy-five pounds six shillings and eight pence sterling, &c. To the United States, however, Captain Carver rendered no service which could be assumed as an equitable ground for the support of the petitioners' claim.

The committee being of opinion that the United States are not bound in law or equity to confirm the said alleged Indian grant, recommend the adoption of the following resolution:

Resolved, That the prayer of the petitioners ought not to be granted.

Then on motion, the Senate adjourned until to-morrow.

FRIDAY, January 24.

Mr. EATON asked and obtained leave to introduce a bill to regulate the collecting of debts in the District of Columbia. The bill was read, and passed to the second reading.

Mr. BARBOUR gave notice, that, at the next sitting of the Senate, he should ask leave to introduce a bill providing suitable buildings for the accommodation of the Circuit Court of the United States for the county of Washington, in the District of Columbia, and the preservation of its records.

Mr. RUGGLES, from the Committee of Claims, to which was referred the bill, entitled "An act in addition to the act, entitled 'An act for the prompt settlement of public accounts, and for the punishment of the crime of perjury,'" reported the same, without amendment.

Mr. EATON submitted the following motion for consideration:

Resolved, That the Secretary of the Treasury be requested to inform the Senate, if any loans of money to any amount, and for what purpose the same, have been made, from the Treasury to any individuals, or banking institution, since the first day of January, 1818, and whether such loans, so made, have yet been repaid, or in any manner adequately secured, so that the Government will ultimately be satisfactorily reimbursed.

The PRESIDENT communicated a report of the Secretary of War, prepared in conformity with the fifth section of the "Act to amend the several acts for the establishment and regulation of the Treasury, War, and Navy Departments," showing the expenditure of the moneys appropriated for the contingent expenses of the Military Establishment for the year 1822; and the report was read.

The PRESIDENT communicated the credentials of WILLIAM R. KING, appointed a Senator by the Legislature of the State of Alabama, for the term of six years, commencing on the fourth day of March next; which were read, and laid on file.

On motion, by Mr. VAN DYKE, the report of the Secretary of the Treasury, containing reports made under an act supplementary to the several acts for the adjustment of land claims in the State of Louisiana, was ordered to be printed for the use of the Senate.

Mr. JOHNSON, of Kentucky, presented the petition of Samuel Q. Richardson, and others, praying compensation for property lost in the service of the United States. The petition was read, and referred to the Committee of Claims.

Mr. KELLY submitted the following motion for consideration:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of dividing the State of Alabama into two judicial districts; and also into the expediency of removing the District Court of the United States, from Cahawba, to Huntsville.

Mr. SOUTHARD, from the Committee on the District of Columbia, to which was referred the bill to extend the charter of the Mechanics' Bank of Alexandria, in the District of Columbia, re-

ported the same, with an amendment, which was read.

Mr. LLOYD, of Massachusetts, gave notice that, at the next sitting of the Senate, he should ask leave to introduce a bill for the erection, in the burial ground at Washington, of a monument over the tomb of ELBRIDGE GERRY, deceased, late Vice President of the United States.

Mr. SOUTHARD, from the Committee on the Judiciary, to which the subject was referred, reported a bill to continue in force the act, entitled "An act to provide for reports of the decisions of the Supreme Court," passed the 3d day of March, 1817. The bill was read, and passed to a second reading.

The Senate resumed the consideration of the motion of the 23d instant, for instructing the Committee on Finance to inquire into the expediency of extinguishing the Indian title to a certain tract of country on the south side of the Missouri river, and agreed thereto.

The Senate, also, resumed the consideration of the motion of the 23d instant, for instructing the Committee on the Post Office and Post Roads to inquire into the expediency of authorizing the mail to be conveyed in steamboats, and agreed thereto.

The bill to repeal so much of an act, passed the 18th April, 1806, as limits the price of certain lands in the State of Tennessee, was read the second time.

The Senate took up the bill to provide for the appointment of an additional judge for the Michigan Territory, and for other purposes.

Mr. EDWARDS stated to the Senate, at some length, the reasons which rendered an additional judge necessary, to afford to all parts of that Territory the benefits of a court of justice.

Mr. KING, of New York, and Mr. HOLMES, of Maine, made some incidental remarks on the subject; after which the bill was ordered to a third reading.

On motion, by Mr. BARTON,

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of Ebenezer Stevens, and others; and, no amendment having been made thereto, it was reported to the House, and ordered to be engrossed and read a third time.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the benefit of George Shannon; and, on motion, the further consideration thereof was postponed until Monday next.

The Senate adjourned, to Monday.

MONDAY, January 27.

Mr. JOHNSON, of Louisiana, called up the memorial of the General Assembly of the State of Louisiana, stating the pernicious consequences which had resulted to that State from the act of Congress of 1819, providing that foreign coin should cease to be current in the United States, and praying that the said act be repealed.—Referred to the Committee on Finance.

Mr. J. also submitted the following motion for consideration:

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of causing the public lands and private claims, in the State of Louisiana, to be immediately surveyed; and also to inquire into the propriety of granting patents for all claims to lands in the said State, which have been confirmed by the Government of the United States.

Mr. FINDLAY presented the memorial of the President and Directors of the Bank of the United States, praying certain amendments to their charter. The memorial was read, and referred to the Committee on Finance.

Mr. LLOYD, of Massachusetts, asked and obtained leave to introduce a bill for the erection, in the burial ground at Washington, of a monument over the tomb of ELBRIDGE GERRY, deceased, late Vice President of the United States; and the bill was read twice, by unanimous consent.

Mr. BARBOUR asked and obtained leave to introduce a bill providing for the accommodation of the circuit court of the United States for Washington county, in the District of Columbia, and for the preservation of the records of said court; and the bill was read twice, by unanimous consent.

Mr. SMITH, of Maryland, laid before the Senate resolutions of the General Assembly of Maryland, requesting their Senators and Representatives in Congress to use their best exertions to procure such an amendment to the Constitution of the United States, as will give Congress power to adopt and execute a system of internal improvement, to be confined to great national purposes, with proper limitations; which were read, and laid on the table.

The PRESIDENT laid before the Senate a communication from the Governor of the State of Maryland, transmitting a copy of the report of the commissioners appointed by the States of Maryland and Virginia to examine the affairs of the Potomac Company, and survey the Potomac river; which were read, and referred to the Committee on Roads and Canals.

Mr. KING, of New York, presented the petition of Augustus Porter, and others, inhabitants of New York, praying compensation for losses sustained during the late war with Great Britain. The petition was read, and referred to the Committee of Claims.

TUESDAY, January 28.

Mr. VAN DYKE, from the Committee on Public Lands, to which was referred the bill, entitled "An act to revive and continue in force certain acts for the adjustment of land claims in the Territory of Michigan," reported the same, with an amendment; which was read.

Mr. DICKERSON presented the petition of Phebe Moore, administratrix of Stephen Moore, praying compensation for a vessel owned by him, taken possession of and used by the United States, and captured by the enemy during the late war, in consequence thereof. The petition was read, and referred to the Committee of Claims.

The PRESIDENT laid before the Senate the memorial of John R. Williams, and others, a com-

mittee of the freehold inhabitants of the county of Wayne, in the Territory of Michigan, representing the inexpediency of any alteration in their present local government. The memorial was read, and laid on the table.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate of the United States:

I transmit, herewith, a letter from the Secretary of the Navy, containing one from Captain John Rodgers, President of the Naval Board, accompanied by a description of the inclined plane, dock, and fixtures for hauling up ships, and an estimate of the cost and materials and workmanship necessary for the completion of a dock and wharves, proposed to be connected with the inclined plane constructed at the navy yard, Washington, and recommend the same to the attentive consideration of Congress.

It is confidently believed that this invention combines advantages so highly useful as to justify the appropriation required.

JAMES MONROE.

The Message and accompanying documents were read, and referred to the Committee on Naval Affairs.

Mr. VAN DYKE, from the Committee on Public Lands, to which was referred the bill for the relief of John Buhler, reported the same without amendment.

Mr. BARTON presented the petition of John Rush and Samuel Conway, praying compensation for Revolutionary services. The petition was read, and referred to the Committee of Claims.

Mr. VAN DYKE, from the Committee on Public Lands, to which was referred the bill, entitled "An act to confirm certain claims to lots in the village of Peoria, in the State of Illinois," reported the same without amendment.

On motion of Mr. VAN DYKE, the Committee on Public Lands, to which was referred the petition of Henry Johnson, of Ohio, were discharged from the further consideration thereof.

Mr. DICKERSON, from the Committee on Commerce and Manufactures, to which the subjects were referred, reported a bill to authorize the building a lighthouse at Cape Romain, in South Carolina, and placing floating lights in Delaware bay. The bill was read, and passed to the second reading.

The engrossed bill to authorize the purchase of a number of copies of the sixth volume of the Laws of the United States, was read a third time, and passed.

The engrossed bill for the relief of Samuel Walker, and others, was read a third time, and passed.

The engrossed bill for the relief of the heirs of Joseph Wilcox was read a third time, and passed.

The engrossed bill for the relief of the legal representatives of James McClung was read a third time, and passed.

The engrossed bill for the relief of Samuel Hodgson was read a third time, and passed.

The engrossed bill for the relief of Samuel F. Hooker was read a third time, and passed.

The engrossed bill for the relief of Ebenezer Stevens, and others, was read a third time, and passed.

The bill, entitled "An act to provide for the appointment of an additional judge for the Michigan Territory, and for other purposes," was read a third time, and passed.

AMENDMENT TO THE CONSTITUTION.

Mr. TAYLOR, of Virginia, from the committee to which was referred a resolution proposing an amendment to the Constitution of the United States, as it respects the election of President and Vice President of the United States, reported the following new draught as a substitute therefor:

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, two-thirds of both Houses concurring, That the following amendment of the Constitution of the United States be proposed to the Legislatures of the several States, which, when ratified by three-fourths thereof, shall be a part of the said Constitution:

The Electors of a President and Vice President shall meet on the —— day of —— next, preceding the expiration of the time for which the existing President may have been appointed, vote for a President and Vice President, and make two lists of the persons voted for to fill each office, to be signed and certified by them; one to be delivered, sealed, to the President of the United States, or, if there is no President, to the person exercising the powers of the said office, within —— days thereafter, to be opened and examined by him; and if it shall appear that no person has received the votes of a majority of the Electors appointed, the President of the United States, or the person exercising the powers of the said office, shall, forthwith, by proclamation and by notifications to the Executives of each State, pubish the number of votes given to each person as President; whereupon, the said Electors shall again meet on the —— day of ——, next succeeding their first meeting, and vote for one of the two persons as President, who shall have received the greatest number of votes for that office, at their first meeting; or if it should happen that more persons than two shall have received the greatest number, and also an equal number of votes, the said Electors shall vote for one of them as President. The said Electors shall transmit the other list of votes for a President and Vice President, at their first meeting, and also the list of the votes for a President at their second meeting, if it should take place, to the Seat of Government of the United States, signed and certified, under seal, directed to the President of the Senate, who shall open the said lists, in the presence of the Senate and House of Representatives; and if it shall appear that any person has been duly elected President of the United States, according to the Constitution, such person shall be the President; if not, and it shall appear that any person shall have received the greatest number and also a majority of the votes of the said Electors, then the Senate and House of Representatives shall, immediately, by ballot, each member of both Houses giving one vote, proceed to elect a President from the persons duly voted for at the second meeting of the said Electors. A majority of all the members present at the said joint meeting of the Senate and House of Representatives, shall be necessary to a choice of the President of the United States, on the first ballot, after which a plurality of the said votes shall decide the election. The person having the greatest number of votes as Vice President,

shall be the Vice President, if such number be a majority of the whole number of Electors appointed; and if no person shall have such majority, then, from the two highest numbers on the list, the Senate shall choose the Vice President, as provided for by the Constitution.

WEDNESDAY, January 29.

The PRESIDENT laid before the Senate a letter from Mr. CÆSAR A. RODNEY, a member of the Senate from the State of Delaware, resigning his seat in the Senate, in consequence of his acceptance of the office of Minister Plenipotentiary to the Government of Buenos Ayres; which letter being read, it was, on motion of Mr. VAN DYKE, ordered that the President of the Senate transmit to the Executive of the State of Delaware information of the resignation of Mr. RODNEY.

The PRESIDENT laid before the Senate a letter from the Secretary of the Treasury, transmitting the annual statement of payments made during the year 1822, in discharge of miscellaneous claims; of contracts relative to lighthouses, &c.; of purchases and contracts by collectors of the revenue during 1821; and the expenditures on account of sick and disabled seamen.

Mr. BARTON presented the petition of Taylor Berry, praying that he may be allowed to surrender his title to a tract of land, in Missouri, derived from the United States, but contested at law, and that he may enter an equal quantity of land, which will be free from litigation. The petition was read, and referred to the Committee on Public Lands.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act for the better organization of the District Court of the United States within the State of Louisiana;" in which bill they request the concurrence of the Senate.

The Senate resumed the consideration of the report of the Committee on Public Lands, to which was referred the petition of Samuel Harrison, agent for the heirs of Captain Jonathan Carver, praying for the recognition and confirmation of an Indian deed for a large tract of land near St. Anthony's Falls, on the Mississippi; and, also, the petition of the Rev. Samuel Peters, LL. D., who claims said tract of land as assignee of the heirs of said Captain Carver, and prays that he may be permitted to take possession of the same; and, in concurrence therewith, resolved, that the prayer of the petitioners ought not to be granted.

TREASURY LOANS.

The Senate took up the following resolution, offered on Friday last by Mr. EATON of Tennessee:

Resolved, That the Secretary of the Treasury be requested to inform the Senate if any loans of money, to any amount, and for what purpose, have been made from the Treasury to any individuals or banking institution, since the 1st day of January, 1818, and whether such loans, so made, have yet been repaid, or in any manner adequately secured, so that the Government may and will ultimately be satisfactorily reimbursed.

Mr. EATON stated, at some length, the reasons which induced him to offer this resolution. Amongst the information given to the Senate, or to the Committee of the Senate, by individuals in Alexandria, touching the propriety of re-chartering a bank in that town, there were statements by a Mr Linn and a Mr. Morgan, alleging that loans to a large amount had been made by the Treasury Department to the Mechanics' Bank and the Franklin Bank of Alexandria, the first of which had lost its credit, and the latter was notoriously insolvent. These were substantially the facts on which Mr. E. was induced to offer the resolution. He knew of no law which authorized such loans, and presuming that the public money could not be loaned out without the authority of a law, he thought it due to the officer whose conduct was implicated by the above statements, as well as to his own fidelity to his trust, as the circumstances had come to his knowledge, to propose the inquiry—disclaiming, positively and repeatedly, being actuated in this, or any other act of his, in this body, by personal feelings or considerations.

Mr. LOWRIE, of Pennsylvania, suggested to the mover the propriety of extending the inquiry back to the year 1800, to ascertain what had been the practice of the Treasury in relation to its bank deposites and their transfer; for, although he would not dispute about terms, the proper designation of what were by Mr. E. called loans, was nothing more nor less than deposites, made from time to time by the Treasury in different banks, as its own convenience or other circumstances might require. He would prefer that the resolution should be so framed as that the practice of the Treasury, in regard to transfers of deposites, should be disclosed back to the year 1800.

Mr. EATON subsequently consented so to alter the resolution.

Messrs. SMITH of Maryland, ELLIOTT, HOLMES of Maine, and LLOYD of Maryland, each offered some remarks, in part, as to the supposed practice of the Treasury, in relation to such matters, but principally to express their regret that Mr. E. should have accompanied the resolution, which no one would have objected to, with an exhibition of the ex parte and perhaps sinister statements of individuals, and with any comments on them at this stage of inquiry, all calculated to make injurious impressions which might turn out to be unfounded.

Mr. MACON desiring, as the subject was brought up, of which, however, he was entirely ignorant, that the whole history of the practice of the Treasury in regard to this kind of business should be made known from the commencement of the Government, moved that the resolution be so amended as to extend the inquiry back to the 3d day of March, 1789. This modification was agreed to by the Senate, and then the resolution was adopted.

GEORGIA MILITIA CLAIMS.

The Senate took up the report of the Committee on Military Affairs on the subject of the claims of the State of Georgia for militia ser-

vices, rendered under orders of the President of the United States during the years 1792, '3, and '4, which report concludes with a resolution to instruct the Military Committee to report a bill appropriating $129,375 66, in full discharge of the militia claims of Georgia.

On the question of agreeing to this resolution, a debate arose, which continued nearly three hours, in which Messrs. WARE, ELLIOTT, CHANDLER, RUGGLES, HOLMES, of Maine, LOWRIE, WILLIAMS of Tennessee, SMITH of Maryland, and BARTON, engaged—the two first named gentlemen entering into it most extensively in support of the claim.

Mr. WARE, of Georgia, delivered the following remarks:

The subject presented by the report of the Committee not only involves principles of primary importance, but is one of feeling and interest to that section of the country whence I come. The parties in interest, through the Legislature of Georgia, have memorialized Congress in strong but respectful language, and to you they confidently look for that justice, which, heretofore, has been withheld from them.

In venturing, sir, to urge upon the consideration of the Senate a recognition of the claim of Georgia, in behalf of a portion of her citizens, for militia services, rendered under circumstances of peculiar danger and peril, I should, but for the confidence I have in the justice and integrity of that claim, feel much embarrassment resulting from its ancient date. But believing that neither time, nor a protracted delay of justice, can impair the obligation imposed by duty and honor, and that it can only be necessary for an American Congress to be satisfied of the correctness of a claim, to insure the enactment of a law making provision for it, I am encouraged to make an effort in support of the appeal made by that State, which I have the honor in part to represent. In this attempt, I cannot be insensible of my own inability to render that justice to the subject which its character and merits emphatically require; and laboring, as I do, under the influence of much debility, produced by indisposition, I should most certainly decline an argument, but from a sense of imperious duty.

In the elucidation of the subject, I propose to consider how far the State of Georgia was entitled to the support and protection of the General Government in all cases of necessity. To show that, at the period of time to which the report refers, the necessity actually existed: That the President of the United States invested the Executive of Georgia with discretionary power and authority to call into service such portions of the militia as the exigency required: That, under the then existing circumstances, the Governor was authorized by the Constitution of the United States to draw into service such parties of the militia as, in his discretion and judgment, the safety of the State, and the inhabitants thereof, demanded; and that the services were actually performed. If, sir, these several grounds can be sustained, the mind must be irresistibly led to the conclusion that the claim is just, and ought to be paid.

In demonstrating the right to support and protection, it can scarcely be necessary to point the attention of the Senate to the Articles of Confederation, which declare, in so many words, "that 'no State shall engage in any war without the 'consent of Congress, unless such State be actually 'invaded, or shall have received advice of a cer-'tain resolution being formed by some nation of 'Indians to invade such State," and that all charges and expenses incurred "for the common defence or general welfare, shall be defrayed out of a common Treasury." Still less necessary, perhaps, may it be considered for me to advert to the provision in the Constitution, giving to Congress the power of calling out the militia in all cases of insurrection, invasion, &c., and to the several laws passed by Congress, under the general Constitutional power, investing the President with full and plenary authority to call out the militia in all cases where the safety and security of a State rendered the exercise of such power necessary. These are axioms and principles with which the Senate must be familiar.

Considering Georgia, then, as a member of the Union, she was entitled to the support and protection of the General Government, whenever her rights or sovereignty were invaded, or likely to be, or her peace and tranquillity disturbed by a belligerent Power. It should, sir, be recollected that, at the period of time which gave birth to the claim under consideration, the frontiers of Georgia, nearly four hundred miles in extent, were bordered by a race of people whose ruling and predominant passion was war, and who readily embraced every opportunity to satiate a jealous and revengeful disposition with the blood of the innocent. Against those savages, who were numerous and warlike, the State, with a thin population and limited resources, had to defend herself. Being, however, a child of the Republic, and having contributed her full proportion in the achievement and establishment of the American Independence, she, of right, claimed that support and protection, due her as a member of the confederation. If, therefore, her situation was such as to require the protecting arm of the General Government to shield her from immediate or pending danger, the principle for which I am contending must be conceded.

Previously however to inquiring into the second division of the subject, to wit, that of necessity, permit me to ask, what are the peculiar circumstances under which this claim is presented, and under which an appeal is made to your magnanimity and justice? At a time when neither sex nor infancy afforded security against unprovoked massacre and slaughter, when the most harassing hostilities were carried on against the unprotected frontier settlements of Georgia, under practices of Indian barbarity and warfare, calculated to arouse all the feelings of hatred and vengeance, and the utmost abhorrence and detestation against the authors and perpetrators of such cruelty, the Executive, with a becoming vigilance and promptitude, and with a single eye to the public weal, communicated

to the President the helpless and exposed situation of the frontier settlements, and the necessity of prompt and decisive measures. As a faithful sentinel he discharged his duty; and to his energy of character and celerity in movements, Georgia is indebted for the preservation of the lives of many of her citizens. And shall it now be contended, that, after that State had relinquished to the General Government a large portion of the rights of self-government and protection; after having yielded that allegiance which was to be considered the sure guarantee of life, liberty, and property, that her humble memorial is to be disregarded; that her militia are to go unrequited for important services performed under circumstances of distressing hardship, privation, and danger? No, sir, this cannot be! The principles of common and ordinary justice forbid it—the sacred charter which binds us together, and cements the bond of union and affection, declares against it; and I will not believe that this Senate, justly celebrated for its wisdom, justice, and magnanimity, will close the door against these much injured and much oppressed claimants. Too long have they been knocking at the door of justice; their patience has become nearly exhausted, and it is high time that you should hearken to their solicitations, and put a period to their sufferings.

But, sir, permit me to show more particularly the nature and character of the necessity which induced the Executive of Georgia to call on the President of the United States for assistance. To do this, it becomes necessary to bring to the view of the Senate the correspondence between the Government and the Secretary of War. Those parts of the correspondence which bear more immediately on this point, are the letters of the 22d of May, 1792, 29th April, 1793, and the 8th of May following.

The letters, addressed to the Secretary of War, clearly show the hostile disposition of the Creeks and Cherokees, and the havoc, carnage, and destruction, that marked their frequent incursions into the State. The unprotected situation of the frontiers invited aggression, and the predatory and sanguinary depredations of a dark and insidious enemy, whose track was to be traced by blood and desolation, cried aloud for vengeance. And, although those nations did not rise in the strength of their power, and penetrate the country *en masse*, yet numerous parties of the most daring and ferocious assailed us at the most vulnerable points. The Executive had not, therefore, to rely solely on the opinion of others, as to a hostile disposition but he had before him many overt acts, which left behind the melancholy evidence of rapacity and cruelty. I will not attempt to portray the heart-rending scenes of misery and distress, which the unhappy survivors of butchered friends and connexions were forced to witness. Nor indeed can it be important or necessary to glance at such painful occurrences, except for the purpose of showing the strong motives which influenced the Governor to appeal to the President for assistance. He informs the President, by the letter already referred to, that the Creeks and Cherokees are unfriendly and hostile; that murders and other wrongs had been committed by them; that there was but little expectation of avoiding a general war with them; that already blood had been spilt in every direction, and that such was the havoc and carnage making by them, that retaliation by open war became the only resort. Will stronger or more conclusive evidence, demonstrating the existence of necessity, be called for or expected? I presume that the evidence afforded by these letters will satisfy the most sceptical on this branch of the subject.

I am aware, sir, that there exists some diversity of opinion as to the third proposition, which I consider desirable, although not indispensably necessary to reconcile. That the President invested the Governor with a discretionary power to call into service such portions of the militia as he might deem expedient and necessary for defensive purposes, is fairly deducible from the letters of the Secretary of War to his Excellency. Although this inquiry may not be interesting to the Senate, yet I ask their indulgence, whilst I endeavor to lay before them the evidence by which I propose to establish the fact. By the letter of the Secretary of War to the Governor, of the 27th October, 1792, we find the following language: "That, if 'the information which you may receive, shall sub-'stantiate clearly any hostile designs of the Creeks 'against the frontiers of Georgia, you will be pleased 'to take the most effectual measures for the defence 'thereof as may be in your power, and which the 'occasion may require." The evidence contained in this letter derives strength and support from the letter of the Secretary of War, of the 10th of June, 1793, wherein he observes "that the State of 'Georgia being invaded, or in imminent danger 'thereof, the measures taken by your Excellency 'may be considered as indispensable. You are the 'judge of the degree of danger, and of its duration, 'and will undoubtedly proportion the defence to 'the exigencies." Contemporaneously with the date of this letter, the Secretary of War, considering the dangerous situation in which Georgia was placed, and the incursions to which she was exposed, writes to the Executive of South Carolina, and advises him that he is "directed by the 'President to request your Excellency that, in case 'the frontiers of Georgia should be seriously in-'vaded by large bodies of hostile Indians, that you 'would, upon the request of the Governor of said 'State, direct such parties of militia of South Car-'olina to march to the assistance of Georgia, as the 'case may require; for the expenses of which the 'United States will be responsible."

Will it be pretended that the Treasury of the United States shall be open to the claims of the South Carolina militia, and forever barred against the claims of the Georgia militia, for similar services and for similar purposes? Why draw a line of demarkation, and exclude the demands of the one and not those of the other? I know of no geographical distinctions, in the rights of individuals or States, in our country, and it is adverse to the nature and principles of our Government that there should be. If, indeed, the cases be sus-

ceptible of a distinction, I would be inclined to make it in favor of that State which, by unpropitious circumstances, became the immediate theatre of war and rapine. But in principle, sir, there exists no difference nor the slightest shade of one; all such services should be disposed of according to one general and uniform rule, and the same measure of justice meted out to one, ought to be extended to the other. Such a course is demanded by the Constitution, laws, and policy, of our country and Government. That such has been the course in the case before you, may be accounted for on the ground of unavoidable delay in making out and forwarding the estimates of services, pay, and muster rolls, and to the circumstance of the Secretary of War having gone out of office before the accounts were settled, or any decision had thereon.

I think proper to remark, that, on the receipt of the first estimates, the accountant required explanations relative to the claims, and afterwards a certificate from the Governor, that the militia had been called into service for the defensive protection of the frontiers. This requirement carries with it strong internal evidence that the Government considered itself bound to pay the claim, provided it had accrued for militia services performed in defence of the State; otherwise, such a requisition would have been idle and nugatory. This presumption is corroborated by the letter of the Secretary of War, of the 6th of August, 1795, to the Governor, wherein he states "that the large 'estimate of services, about which my predecessor 'doubted, I have looked into, and think they must 'be generally admitted;" and in the following September, assures the Governor "that money for 'paying the Georgia militia is preparing to be for-'warded."

I have thus endeavored to show that the President did invest the Governor with full and plenary powers, to be exercised according to his discretion, in repelling the Indians and protecting the frontiers of the State; and that this discretion had not been used till the repeated outrages of the savages rendered it indispensably necessary.

But, sir, the claim to compensation would not be impaired, if the evidence derived from the letters of the Secretary of War, should be considered insufficient to prove the grant of a discretionary power; for, under the then existing state of things, the Governor was fully authorized, by the Constitution of the United States, to exercise such discretion as he considered necessary for the defensive protection of the State. By the fourth section of the fourth article of that instrument, the United States not only guaranties to every State a republican form of government, but also guaranties a protection against invasion; and, by the tenth section of the first article of the same instrument, it is expressly provided, "that no State shall engage in any war unless actually invaded, or in such imminent danger as will not admit of delay." Now, sir, if the circumstances developed by the evidence are to be regarded, if the rays of light reflected by the correspondence are not shut out from our understanding, the mind must be perfectly satisfied that the Executive acted within the pale of the Constitution, in calling out the militia, and by that instrument was completely sheltered and protected. Having, therefore, acted in strict conformity to the Constitution, and, as I would respectfully contend, to the letter of instructions, I cannot perceive any just reason why the claim should not be paid.

I apprehend that the performance of the services will not be contested. The letters of the agent for supplying the troops in Georgia, of the 23d April, 1793, and the 30th of the same month and year, afford abundant evidence that he had caused rations to be issued; and it will not be denied that rations and pay have been heretofore considered inseparable; and most certainly, the soldier who is entitled to the one, claims the other as a matter of right. This fact being conceded, it follows, as a necessary consequence, that the claim is just, and should be paid.

The amount due for services is no longer a matter of speculative opinion. The estimates prepared and forwarded by the then acting agent of the War Department in Georgia, to the Secretary of War, and now on file, attest and prove the precise amount; and it is for the payment of that sum that the committee have made a report in favor of the claimants.

But, sir, I learn that I have to combat a prejudice resulting from the opinion of Mr. Attorney General Lincoln, on the construction of the compact or articles of cession made by Georgia to the United States in 1802, and who, on that occasion, acted as one of the United States' Commissioners.

It is with diffidence and profound respect, that I venture to impugn the opinion of a distinguished jurist on the legal import of words, and the correct and proper construction to be given to an instrument of writing. By that instrument, the State of Georgia "ceded to the United States all the right, title, and claim, which the said State has to the jurisdiction and soil of the lands situated within" certain boundaries, upon certain and express conditions. The United States, on her part, covenants and agrees "to pay at their Treasury one million two hundred and fifty thousand dollars to the State of Georgia, as a consideration for the expenses incurred by the said State, in relation to the said territory." By the construction given, Mr. Lincoln considers that the militia claim of Georgia formed an item of the expenses which the one million two hundred and fifty thousand dollars was intended to cover and extinguish. The true and legitimate construction can only be made to apply to such expenses as had been incurred by Georgia as a State or Sovereignty, and those too as applicable to the territory ceded. The present claim is for services rendered in protecting the frontiers of the inhabited parts of the State—it is an individual claim for personal services, performed under proper authority, which it was not competent for the State to relinquish to the General Government, without making payment herself, or by virtue of the authority of the claimants. She has uniformly protested against all liability, and it will not be pretended that she

was authorized to make a relinquishment of the claim. Such a presumption would be counteracted by the certificate of the Georgia Commissioners, who on a former occasion stated to a committee in the House of Representatives, that the militia claim was not embraced in the articles of cession. I trust, therefore, that, in this view of the subject, and especially after so great a lapse of time, gentlemen will not expect that the particular items swelling the amount of expenses to one million two hundred and fifty thousand dollars, are at hand, and ready to be produced. This was a proper subject for the Commissioners, and not now properly inquirable into. But, sir, if it can afford any gratification to honorable gentlemen, I have it in my power to show, from the laws of Georgia, some data by which an imperfect judgment may be formed as to the expenses to which the State had been subjected. For a long series of years, that State had been driven to the necessity of frequently calling out parties of militia, in consequence of Indian hostilities, and the expenses incurred were doubtless heavy and burdensome. In the year 1787, the Indians, by their repeated acts of cruelty and barbarity, obliged the Legislature to pass a law authorizing the raising of two regiments, each to consist of seven hundred and fifty men. These regiments were raised for the purpose of suppressing Indian violences, and were to remain in service till peace and tranquillity were restored. Over and above the regular pay, each officer and soldier was to be entitled to a bounty land warrant, to be located on the unlocated territory of the State. The bounty to the officers was graduated according to rank, and to each militia soldier the quantity of six hundred and forty acres was allowed. On the return of peace, the bounty land warrants were issued, as well as audited certificates of the amount of pay due each officer and soldier. By a subsequent law, these bounty land warrants and audited certificates of outstanding evidences of debt, were made receivable in payment of fractions reserved to the State in the first land lottery.

Besides this, the State had been obliged to hold frequent treaties with the Indians, commencing as far back as the year 1773, for the purpose of restoring peace, fixing on temporary boundary lines, and demarking their hunting ground; and, having some little experience on the subject of Indian treaties, you can readily imagine that the expenses which the State had to sustain were not inconsiderable. The statute book of that State shows that twenty thousand dollars at one time, and fifteen thousand six hundred and sixty-six at another, were appropriated for the purpose of carrying one of those treaties into execution. I cannot believe that this inquiry is by any means important. I have gone into it solely for the purpose of satisfying some gentlemen who expressed to me a desire to receive some information relative to this part of the subject.

When Mr. W. had concluded—

Mr ELLIOTT, of Georgia, addressed the Chair as follows:

Before I make any observations in relation to the merits of the question under discussion, I will attempt to remove some unfounded prejudices which oppose themselves to an impartial investigation. That these militia claims were not finally adjusted under General WASHINGTON'S administration, seems to have excited strong suspicions against them. It is true they were not paid by the Administration which directed the service. But it is evident, from the documents now in possession of the Senate, that, as far as any opinion was expressed upon them, by that Administration, it was in favor of their validity. In relation to this subject, the Secretary of War, in August, 1795, wrote thus to the agent of the War Department, then in Georgia: "The large estimate for 'services, about which my predecessor doubted, I 'have looked into, and will immediately further 'examine. From the complexion of these claims, 'connected with the Governor's certificate, which 'I received, enclosed in your letter of the 23d of 'June, I am inclined to think they must be gene-'rally admitted." And, in the following September, he assured the Governor, "that money for paying the Georgia militia" was "preparing to be forwarded." In the first of these communications, the probability of the admission of these claims is strongly intimated; while in the last, it would seem they were admitted. For the assurance of the Secretary that money for the payment of them was preparing to be forwarded, is a pretty clear admission, that the amount about to be forwarded was found to be due. Yet, sir, they were not paid! And it can be accounted for only on the grounds suggested by the agent of the War Department, in his report, on this subject. "That, 'from the peculiar circumstances of the Govern-'ment at that time, the attention of the Secretary 'at War was wholly occupied on other objects, 'and he left the Department before any decision 'was made." But the omission to settle these claims under such circumstances, furnishes no legitimate conclusion against their validity.

Again, it is objected to these claims, by the honorable member from Maine, that, in point of fact, they do not exist; having been extinguished by the articles of cession, under which Georgia ceded to the United States the territory southward and westward of her present chartered limits. And in support of this position, a letter is introduced, written by Mr. Lincoln, one of the United States' Commissioners on that occasion. This letter was originally addressed to a committee of the House of Representatives, appointed in 1803, to examine these claims, and is printed with their report. It will be necessary to bring again to the notice of the Senate the material parts of this letter. After assuring the committee that he had no authority to determine the question put to him by their chairman, in relation to the claims submitted to their examination, and that he could only state to them his "private ideas and recollections," Mr. Lincoln thus proceeds:

"The expenses incurred by the State, for which the $1,250,000 is to be paid as a consideration, appears to me to be a description so extensive, by the mere force of the terms, as to include every species of expense

which had been previously incurred by the same State having any relation to the ceded territory, exclusively, or to it in common with what now constitutes that State. I know of no principles of construction which can so limit the description of expenses, expressed in the treaty of cession, as to exclude therefrom any which were then considered, by either party, as chargeable on the United States for the past military defensive operations of Georgia. Although, in the sense of the convention, 'said territory' means the ceded territory, as distinguished from the remaining territory of the State, yet, at the time of incurring the said expenses, both territories were considered as undivided parcels of an entire whole. And, of course, any defensive operations in one part had relation to the other, as included in the whole, and were, in fact, thus an expense for the defence of both. Further, the $1,250,000 is expressly for expenses incurred. If expenses to this amount had not been incurred, at the time of making the cession, exclusively on account of the ceded territory, the presumption is strong that the allowance was not made merely in consequence of such expenses, but in consideration of those incurred on some common ground. Indeed, I have no recollection of any expenses exclusively on account of the ceded territory having been stated by the commissioners on the part of Georgia, while in treaty with them. In reference to your other queries, 'whether the commissioners considered the present claims satisfied by the convention,' and 'what in fact were the particular expenses referred to,' in the above construed passage, I can only state my own impressions."

Mr. Lincoln then goes on to state some circumstances, out of which these impressions grew; but "not recollecting precisely the words which either party made use of on this occasion," he could not say that those impressions were correct.

Throughout the whole of this communication, Mr. Lincoln asserts nothing positively, but is impressed with a belief, from the extensiveness of the terms used in the treaty, viz: "as a consideration for the expenses incurred by said State in relation to said Territory," that the sum paid by the United States must have been in satisfaction of these among other claims against the State of Georgia. Now, the sum contracted to be paid to the State of Georgia, in the articles of cession, is expressly declared to be for "expenses incurred by said State, in relation to said Territory." But the State never acknowledged these militia services as a debt against her. No legislative act can be found, either on the statute books of the State, or on file, to authorize this service. Nor has the State, either directly or indirectly, ever assumed to pay these claims. These are the claims of individuals, for personal services rendered to the United States, and, not coming under the general phrase of "expenses incurred by said State, in relation to said Territory," could not have been provided for by the contracts of cession. Mr. Lincoln's whole reasoning, then, resting on the gratuitous assumption that this service is a debt of the State, is palpably erroneous, and necessarily conducts to a deceptive conclusion. But, in opposition to Mr. Lincoln's reasoning and impressions on the subject, we have the positive and explicit declaration of all of the commissioners on the part of Georgia. For, in the report to which Mr. Lincoln's letter is annexed, the committee say, "the commissioners on the part of Georgia 'sent also to the committee a certificate, under 'their hands, in which they explicitly declare that 'the militia services, which are the basis of the 'present application, were not at all contemplated 'as a part of the consideration expressed in the 'articles of cession." Can there now remain a doubt, in the mind of any honorable member, in relation to the facts at issue? Here are three gentlemen who assert positively against the mere impressions of a fourth! I take this to be conclusive against the supposition of the extinguishment of these claims, under the articles of cession. Having thus attempted to remove the prejudices which existed against these claims, I ask the attention of the Senate to a few remarks on their merits; and, that I may be the more distinctly understood, I submit two propositions, viz:

1st. Militia services are entitled to remuneration from the National Treasury, whenever they have been rendered in obedience to a call of the President of the United States.

2dly. They are equally entitled to compensation, when rendered under the authority of the Governor of a State, provided "such State is invaded, or in such imminent danger as will not admit of delay."

The Constitution of the United States makes it the duty of the General Government "to provide for the common defence;" and powers commensurate to this object are liberally given in various parts of that instrument. Hence, Congress is authorized "to raise and support armies; to declare 'war; to provide and maintain a navy; and to 'provide for calling out the militia to execute the 'laws of the Union, suppress insurrections, and 'repel invasions." But the Constitutional organ to apply this power, is the President of the United States. Accordingly, since the year 1789, by a succession of acts, have Congress fully empowered the President to call into service such portions of the militia, for the purpose of protecting the frontiers, and repelling Indian hostilities, as he should think necessary. And, in the act of the 2d May, it is expressly provided, "that, whenever the Uni'ted States shall be invaded, or in imminent dan'ger of invasion from any foreign nation or Indian 'tribe, it shall be lawful for the President of the 'United States to call forth such number of the 'militia of the State or States, most convenient 'to the place of danger, or scene of action, as he 'may judge necessary to repel such invasion; and 'to issue his orders for that purpose, to such offi'cer or officers of the militia as he shall think 'proper."

It was competent, then, for the President to direct the defence of Georgia, through the agency of the Governor, whenever he became convinced that the situation of the State required the measure. Of this necessity he was convinced, by the official representations he received from the Governor, and from the commandants of the Federal forces in Georgia, setting forth the houses which were destroyed, the property plundered, and the murders committed in various parts of the State.

These representations, leaving no room to doubt of the necessity of defensive measures, the President of the United States did, on the 27th October, 1792, commit the defence of Georgia to the judgment and discretion of the Governor of that State. [Here the Secretary's letter was read, giving this power.] In this communication, Mr. President, we find this unequivocal passage: "If the information which you may receive shall substantiate 'clearly any hostile designs of the Creeks against 'the frontiers of Georgia, you will be pleased to 'take the most effectual measures for the defence 'thereof as may be in your power, and which the 'occasion may require." Here the Governor is constituted not only the judge of the occasion for calling out the militia, but of the force to be employed. The whole militia force of the State is placed at his disposal for defensive purposes, should the occasion require its employment; and of this occasion he was to be the judge. Accordingly, in the due exercise of this discretion, various detachments of the militia were called into service for defensive purposes. These detachments were mustered into service, and commanded by Federal officers. They were supplied with arms, and received rations at the expense of the United States. And, as an indispensable evidence of their title to compensation, it was required of them that they should exhibit certificates from the Governor, setting forth their employment under his orders, and for defensive purposes. In the employment, then, of these militia, I cannot resist the conclusion, that the Governor of Georgia acted under the authority, and was the agent of the President; that, as such, the service was rendered to the United States, and that they are bound to make compensation.

But, this point having been minutely examined by my colleague, I will not fatigue the attention of the Senate by a further investigation of it, but pass to the consideration of the second proposition, viz: militia services are "entitled to com-'pensation from the General Government, when 'rendered under the authority of the Governor of 'a State, provided such State is invaded, or is in 'such imminent danger, as will not admit of 'delay."

Although the Constitution has committed the defence of the country generally to the Federal Government, yet, among the reserved rights of the States, is the one to defend themselves under particular emergencies. Accordingly, we find, in the last clause of the tenth section of the first article of that instrument, these words: "No State 'shall, without the consent of Congress, lay any 'duty on tonnage, keep troops or ships of war in 'time of peace, enter into any agreement or com-'pact with another State, or with a foreign Pow-'er, or engage in war, unless actually invaded, or, 'in such imminent danger as will not admit of 'delay."

Whenever, therefore, a State is invaded, or is in such imminent danger thereof as will not admit of delay, it may, constitutionally, defend itself. But, sir, what is the import of the phrase "invaded, or in such imminent danger as will not admit of delay?" The verb to invade, from which invaded is derived, signifies to make a hostile entrance, to attack, to assail. The State, then, which is entered with hostile intentions, or is attacked, or assailed, is invaded, and, when seriously threatened with immediate hostility, is to be considered, in the language of the Constitution, in such imminent danger as will not admit of delay. And what was the actual situation of Georgia, at the period to which this inquiry is directed? On the 29th of April, 1793, the President was informed by the Governor that, "from 'the depositions of Benjamin Harrison and Fran-'cis Pugh, and the information of Joseph Dabb, 'there is little expectation of avoiding a general 'war with the Creek and Cherokee Indians. 'Blood has been spilt in every direction on the 'extended frontier of this State, and one man 'killed in Carolina." And on the 8th of May, he added, "such was the havoc and carnage by 'the savages in every direction on our frontiers, 'retaliation, by open war, became the only re-'sort. That the horrid barbarities committed, '(some recitals of which were enclosed,) had 'compelled him to cause the additional aid of 'six troops of horse to be drawn into service." And, on the 10th of June, in reply to this communication, the Secretary of War said to the Governor, "The State of Georgia being invaded, or 'in imminent danger thereof, the measures taken 'by your Excellency may be considered as indis-'pensable. You are the judge of the degree of 'danger and of its duration, and will undoubtedly 'proportion the defence to the exigencies. The 'President, however, expresses his confidence that 'as soon as the danger which has induced you to 'call out so large a body of troops shall have sub-'sided, you will reduce the troops to the existing 'state of things, provided the safety of the fron-'tiers will admit it." And, as if apprehensive that the militia of Georgia would not be equal to the impending crisis, this communication was accompanied by a letter to the Governor of South Carolina, directing him to aid in the defence of Georgia, should the Governor of that State request it, and that the United States would be responsible for the expenses. It is evident, then, both from the facts, as disclosed in this case, and from the President's opinion expressed upon them, that Georgia was not only in imminent danger of invasion at this period by the Indians, but was actually invaded. Consequently, the Governor was authorized to defend the State by calling out and employing the militia for that purpose, as well under the Constitution as by the opinion of the President, communicated to him on the existing state of things. It is true the President expressed a wish that the number of troops might be reduced; but added, immediately, "provided the safety of the frontiers will admit it." But, sir, the safety of the frontiers did not admit it; and I will proceed to show why the frontier continued to be so endangered as not to admit of a reduction of the troops. With a sparse population, Georgia had four hundred miles of territory to defend! Along this whole line were to be found the rude

settlements of hostile savages! The Cherokees were a frank, a warlike, and an intrepid people. The Creeks were a cunning, insidious, and murderous tribe. With the former it might have been possible to maintain peace by conciliation; but force alone could guard you against the treachery and ferocity of the latter. Headed by McGillivray, an artful, vindictive, half-blood chief, who had sworn vengeance against Georgia, on account of the loss of his father's property, (which had been confiscated by the State for his adherence to the enemy during the war of the Revolution,) they had thoroughly imbibed his spirit, and were the fit instruments of his revenge. As early as the year 1789, this nation commenced unprovoked hostilities against the frontiers of Georgia; and, although a treaty was concluded with McGillivray, at New York, in 1790, whose sole object was the peace of that State, no sooner had the presents been exhausted, which were given on that occasion as the price of the treaty, than the war was renewed with increased malevolence. In this situation, sir, it was the obvious policy of Georgia to have embodied a competent military force, and, by a prompt offensive movement, carried the war into the enemy's country, and destroyed their towns and villages. This energy on the part of the State would either have insured a peace, or rendered the nation less powerful or arrogant in war. And to such an enterprise the militia of Georgia were fully competent; nay, sir, they were anxious for permission thus to chastise their savage invaders. But the State had it no longer in her power to make war or conclude peace, this being an attribute of the Federal Government, to which she had then recently given her assent. And, "from considerations of policy," at this critical period, relative to foreign Powers, and the pending treaty with the northern Indians, it was deemed advisable by the President to avoid offensive expeditions into the Creek country. In a word, all offensive movements, on the part of Georgia, against the Creek nation, were strictly inhibited by the General Government. The Governor, as was his duty, conformed to the orders of his Constitutional superior, and the ruthless invaders, whose hands were yet stained with the blood of those they had murdered, were thus sheltered from punishment the moment they had passed an imaginary line in a wilderness country! There, secure from pursuit, and left to enjoy undisturbed the fruits of their treachery, is it at all surprising the enemy should have continued the unequal contest, and thus made necessary corresponding measures of defence? Sir, they did continue it, and with murderous effect, throughout the period to which this inquiry is directed. So severe was the pressure, for months, upon the eastern part of the State, that the whole frontier was broken up, and the retiring females and their children could be protected from massacre only by being immured in forts and blockhouses. And, Mr. President, if the citizens of Georgia acquiesced in this course because it subserved the views and interests of the Union; if they patiently endured, for years, such a defensive war, in which their persons were harassed, their property was plundered, and many an hapless family butchered, because the policy of the General Government required the sacrifice, will you now refuse the price of that defence which your policy made necessary? Will you now say to the honest militiaman who has faithfully performed his duty, Although both the Constitution and the President of the United States did authorize the defence of Georgia, yet, as we believe the Governor might have performed the service with fewer men, you cannot be paid? No, sir, your policy made the service necessary. It has been faithfully, nay, painfully rendered, in obedience to the call of the constituted authorities; and the faith and the justice of the nation are pledged for the payment of the price.

When Mr. ELLIOTT had concluded, the question was taken on the resolution, and it was agreed to without a count.

THURSDAY, January 30.

The PRESIDENT communicated a letter from the Secretary of State, transmitting copies of the Digest of Manufactures, prepared and printed by order of a joint resolution of Congress of the last session.

Mr. JOHNSON, of Louisiana, gave notice that, to-morrow, he should ask leave to introduce a bill to revive and continue in force the seventh section of an act, entitled "An act supplementary to the several acts for the adjustment of land claims in the State of Louisiana," approved on the 11th May, 1820, and for other purposes.

Mr. SMITH, of Maryland, gave notice that, to-morrow, he should ask leave to introduce a bill making an appropriation for the gradual armament of the new fortresses of the United States.

The bill brought up yesterday, from the House of Representatives, for concurrence, was twice read by unanimous consent, and referred to the Committee on the Judiciary.

The bill to regulate the collecting of debts in the District of Columbia, was read the second time, and referred to the same committee.

The bill to continue in force the act, entitled "An act to provide for reports of the decisions of the Supreme Court," passed the third day of March, 1817," was read the second time.

The bill to authorize the building a lighthouse at Cape Romain, in South Carolina, and placing floating lights in Delaware Bay, was read the second time.

The Senate resumed the consideration of the report of the Committee of Claims, to which was referred the petition of James Morrison, of Kentucky, and the further consideration thereof was postponed to, and made the order of the day for Monday next.

Mr. LLOYD, of Maryland, presented the memorial of Robert Young and Richard Bland Lee, Judges of the Orphans' Court of Alexandria and Washington counties, in the District of Columbia, praying a revision of the existing laws in relation to the powers and duties of those courts. The

memorial was read, and referred to the Committee on the District of Columbia.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of Samuel Buel; and, on motion, it was laid on the table.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act to make perpetual an act passed the 3d day of March, 1817, entitled 'An act to continue in force an act, entitled 'An act further to provide for the collection of duties on imports and tonnage,'" passed 3d day of March, 1815, and for other purposes; and, on motion, the further consideration thereof was postponed until Wednesday next.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act further to regulate the entry of merchandise imported into the United States from any adjacent territory; and, on motion, the further consideration thereof was postponed until Monday next.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act for laying out and making a road from the lower rapids of the Miami of Lake Erie to the western boundary of the Connecticut Western Reserve, in the State of Ohio, agreeably to the provisions of the Treaty of Brownstown," together with the amendment reported thereto by the Committee on Roads and Canals; and, on motion, the further consideration thereof was postponed until Monday next.

The Senate, on motion of Mr. LLOYD, of Massachusetts, took up, in Committee of the Whole, the bill for the erection of a monument over the tomb of the late Vice President, Elbridge Gerry.

Mr. LLOYD submitted a few remarks on the circumstances which had delayed this act until the present time, and moved to make the appropriation of one thousand dollars, which was agreed to.

The bill was then ordered to be engrossed for a third reading; and, having been reported engrossed, it was read a third time, by unanimous consent, passed, and sent to the House of Representatives for concurrence.

The Senate took up the resolution offered yesterday by Mr. KELLY, of Alabama, which he modified to read as follows:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of dividing the State of Alabama into two judicial districts; and, also, into the expediency of providing by law for holding a district court of the United States at Huntsville.

Mr. KELLY offered a few remarks in explanation, referring to the geographical circumstances of the State, the remoteness of the great body of those who were sued by non-residents of the State, from the present seats of justice, the burdensome expenses this threw upon them, as the marshal charged his fees by mileage, &c., to show the propriety of the change he proposed.

The resolution was agreed to.

The Senate next proceeded to the consideration of the bill from the House of Representatives in addition to the act providing for the prompt settlement of public accounts.

Mr. RUGGLES explained the object of the bill and its expediency, (being a general bill to authorize the equitable settlement of accounts in the office of the Third Auditor, in the absence of certain evidence now required by the forms of that office, instead of requiring the individual in each case to obtain the sanction of Congress for such settlement by a special law, as is and has been the practice heretofore.) He offered an amendment making the final reference, in case of disagreement, to the Second Comptroller instead of the Secretary of War, as proposed by the bill; which amendment was agreed to; and then

The bill was postponed until to-morrow.

AMENDMENT OF THE CONSTITUTION.

On motion of Mr. DICKERSON, the Senate took up (for the purpose of allowing Mr. D. to offer an amendment thereto) the resolution introduced by Mr. TAYLOR, of Virginia, proposing an amendment to the Constitution of the United States as regards the election of the President of the United States.

Mr. DICKERSON then submitted the following, as a substitute for a resolution of Mr. TAYLOR; which was read, and ordered to be printed.

Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, two-thirds of both Houses concurring, That the following amendment to the Constitution of the United States be proposed to the Legislatures of the several States, which, when ratified by the Legislatures of three-fourths of the States, shall be valid to all intents and purposes, as part of the said Constitution:

"That, for the purpose of choosing Representatives in the Congress of the United States, each State shall, by its Legislature, be divided into a number of districts, equal to the number of Representatives to which such State may be entitled. The districts shall be formed of contiguous territory, and contain, as nearly as may be, an equal number of persons entitled by the Constitution to be represented, or of persons qualified to vote for members of the most numerous branch of the State Legislature. In each district, the persons qualified to vote shall choose one Representative.

"That, for the purpose of choosing Electors of President and Vice President of the United States, the persons qualified to vote for Representatives in each district shall choose one Elector; and, at the same time, the two additional Electors, to which each State is entitled, shall be chosen by the persons so qualified to vote, in such manner as the Legislature of the State shall direct. The Electors, when convened at the time and place prescribed by law for the purpose of voting for President and Vice President of the United States, shall have power, in case any of them shall fail to attend, to choose an Elector or Electors, in place of him or them so failing to attend. The division of States into districts, as hereby provided for, shall take place immediately after this amendment shall be adopted, and immediately after every future census and apportionment of Representatives under the same; and such districts shall not be altered until a subsequent census shall have been taken, and an

apportionment of Representatives under it shall have been made.

"That, when the lists of all persons voted for as President and Vice President, and the number of votes for each shall have been transmitted to the Seat of Government, as required by the Constitution, the Senate and House of Representatives shall form a joint meeting, in which the President of the Senate shall preside, who shall then open all the certificates, and the votes shall be counted. The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such a majority, then from the highest numbers, not exceeding three, on the list of those voted for as President, the joint meeting shall immediately, by ballot, choose the President. A majority of the votes of all the members present shall be necessary to a choice on the first ballot, after which a plurality of votes only shall be necessary to a choice. The person having the greatest number of votes as Vice President, shall be the Vice President, if such number be a majority of the whole number of Electors appointed; if no person have such majority, then he shall be chosen by the Senate as directed by the Constitution.

"That no person who has been twice elected President of the United States, shall again be eligible to that office."

LOUISIANA LANDS.

The Senate next took up the following resolution, submitted by Mr. JOHNSON, of Louisiana, on Monday last:

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of causing the public lands and private claims in the State of Louisiana, to be immediately surveyed; and also to inquire into the propriety of granting patents for all claims to lands in the said State, which have been confirmed by the Government of the United States.

Mr. J. said that the treaty transferring to the United States the province of Louisiana, not only secures to the people of the ceded territory the enjoyment of their rights and property, but it imposes upon the Government of the United States the obligation to provide for the speedy adjustment of their land claims, and to encourage emigration to the country, by bringing the public lands into the market. He could not perceive the wisdom or justice of that policy which had induced the Government to cause the public lands in Alabama, Mississippi, and elsewhere, to be surveyed and sold, in preference to those in Louisiana. The territory which now composes the State of Alabama, and which, he said, was a wilderness a few years ago, had been surveyed and sold, and at this time contains a white population perhaps equal to that of Louisiana. And the public lands in Mississippi, Indiana, and Illinois, had been surveyed and offered for sale. He said, independently of the obligations imposed by the treaty, from the local situation of Louisiana, being a frontier, and being in many respects the most important section of the Union, and being more exposed than either of the other States, to external invasion and to internal commotion, it was certainly much more important to strengthen and to defend the country by a dense white population. The necessity of such a population was sensibly felt during the late war. Had the waste lands in Louisiana been settled at the time of the invasion of the country by the British troops, they would have contained a force nearly adequate to the defence of the State; and most of the militia employed from the upper country might have been dispensed with, and the great expense thereby incurred saved to the nation, and many of those who perished by the effects of the climate would have been preserved. He was sorry to say that, although the United States have had possession of Louisiana about seventeen years, neither the public lands nor private claims were yet surveyed, nor were all the claims even adjusted. There are many large claims in the country, conflicting with small ones, which had been suspended, and are not yet decided on. These are subjects of deep interest to the people of Louisiana, and they have a right to complain of the delays alluded to. Indeed, the policy which had been pursued in relation to this subject was pregnant with serious evils. The people were not only kept in suspense and uncertainty, in regard to their claims, but the influx of American population had been checked; agriculture had been discouraged, and the development of the resources of the State retarded. The people of Louisiana, he said, were deprived of the benefits of a very important act of Congress, which passed two years ago, granting them the right of pre-emption to their back possessions, for the want of surveyors to execute the surveys required by the act.

Mr. J. said, if the surveying in Louisiana has not progressed for the want of an adequate compensation to the surveyors, their fees should be augmented; but, if the delay in completing the work is owing to the neglect or incompetency of the surveyors employed, they should be dismissed and others appointed; or, if it is to be ascribed, as is suggested by some, to the want of funds to defray the expenses, the necessary appropriations to effect the object should be made. He said, at every session since he had taken his seat in the Senate, he had urged the importance of these subjects upon the consideration of the Government. Still no effectual step had been adopted calculated to bring the business to a close. He was not in the habit of complaining, but were he not to express freely the sentiments he entertained in relation to these subjects, so interesting to the State he had the honor in part to represent, he would be unmindful of the duty he owed his constituents.

Mr. J. remarked, in conclusion, that patents had not been granted by the Government for any claims in Louisiana; that the people are anxious to obtain that evidence of their titles which renders them secure; and, in his opinion, patents should have been issued as their claims were confirmed. He had assurances from the Commissioner of the General Land Office, that the subject should now be attended to; but, if further legislative provision is required in relation to the subject, existing laws should be amended without delay.

Mr. KING, of Alabama, acquiesced in the pro-

priety of the inquiry but added a remark on the inapplicability of what Mr. J. had said in relation to the surveys in Alabama.

The resolution was then agreed to.

CLAIM OF GEORGE SHANNON.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the benefit of George Shannon.

Mr. JOHNSON, of Kentucky, stated that the bill contained two sections. The first granted six hundred and forty acres of land, to be located in Arkansas; the second proposed an increase of pension from twelve to sixteen dollars per month, which would make it equal to that allowed to a Second Lieutenant. Mr. J. said he was well aware of the extreme difficulty which he had to encounter in attempting to rivet the attention of the Senate to an individual application. In this case, he was animated with hopes of success, as the measure proposed a reward for important public services. He was not unmindful that the members of this body had many duties to perform in the investigation of measures of a general tendency. And there was less disposition to entertain personal applications, because many were addressed to their benevolence and charity. But he was happy to inform the Senate that this was a direct appeal to their justice. It was not a call for that charity which induced the Congress of the United States to relieve the unfortunate sufferers at Caraccas, in consequence of an earthquake. The consideration upon which this claim is predicated has arisen from the performance of military service, and the loss of a limb while discharging those duties. Mr. Shannon was one of the few surviving companions of Lewis and Clarke, who explored the unknown regions of the West, from the settlements of St. Louis, over the Rocky mountains, to the mouth of the Columbia river, which empties into the Pacific ocean. This was not a demand as pay for these signal services. Like others, he had received his pay; and, however inadequate, he was contented to receive what the Government had given. He was not disposed to compare the little he had received with the toil and suffering which he had undergone—the privation and danger which he had encountered with his gallant companions. But, Mr. J. said, he would venture to assert that the expedition of Lewis and Clarke to the Pacific ocean was very little inferior to the greatest undertakings, either by land or by water, of which we had any historic account. Those regions were very familiar now to many individuals; but, twenty years ago, when this exploring party undertook to penetrate this vast wilderness, it was considered by all as presenting more than an equal chance, to this small band, never to return to the bosom of their native country. Independent of the natural difficulties which the undertaking presented, it was well known that those Western wilds were inhabited by innumerable hordes of savage men, which made it extremely improbable that so small a party should escape their fury. In fine, this hazardous enterprise was performed with a firmness of purpose and fidelity of conduct which gave to these brave men the highest claims to the gratitude of their country.

The claim of Mr. Shannon is founded on services subsequent to this perilous expedition. He was employed as one of that small party who undertook to escort, and safely conduct to his own nation, the Mandan Chief, who had visited the United States at the request of Lewis and Clarke. It was in the performance of this duty that he was wounded, which produced the amputation of his leg above the knee. Near the Arracara towns, on the river Mississippi, Lieutenant Prior, with his chosen band of about twenty persons, was attacked by three hundred Indian warriors. The resistance of this little party was desperate. The Indians were held in check, and our party made good their retreat. It was on this occasion that Mr. Shannon distinguished himself by his bravery; and it was upon this occasion he received the wound which in a great measure deprives him of locomotion. We demand nothing for the suffering which he experienced, but for the loss which he sustained. Without medical aid, he had to descend the Mississippi to Belle Fontaine, where the kindness of hospitality could be extended to him, and medical assistance procured. The anguish of his wound was borne with manly fortitude. It was a consolation to him that he was suffering for that country to which he was devoted, and that he suffered alone; for he was then without a family; and he was more willing to make all this sacrifice without demanding from the Government that compensation which we are bound in honor and in justice to award to him. But, since that period, he has formed connexions in life which have increased his duties to society and to himself. He has now to provide for a wife and an increasing family, who are dependent on him alone for the necessaries and for the comforts of life. He spent the prime of his life in the service of his country—the period most favorable for intellectual improvement, and preparation for some profession to smooth the rugged path of life, and by devoting himself to some useful occupation to secure competence and independence. But of these opportunities he was deprived, while others were improving their faculties and qualifying themselves for some literary profession or manual occupation. Mr. Shannon not only spent three years of the most interesting period of human life in the service of his country, in exploring these Western regions, but, at the close of that service, he found himself a cripple, deprived of one of his members; his future prospects overshadowed with clouds; the pleasure of locomotion almost destroyed during the whole remainder of his life; disqualified for manual labor; laboring under all the disadvantages of the want of an early liberal education; and, to complete the circle of his misfortunes, he was without wealth and without money. With this dreary prospect before him, what was he to do? Ardent in his feelings; high-minded and honorable; without depending on the liberality or justice of his country for support, he determined to qualify himself for the practice of the law.

Without riches, without friends, without an early education, the resolution was a bold one. This determination required great exertion and considerable expense. He qualified himself, by a rapid course of study, for the labors of the bar, which is his only dependence for the support of himself and family. Although he has risen to eminence in his profession, yet such has been the liberality of his disposition, his services in the Legislature of Kentucky, and the little that is gained at a crowded bar, he has not been able to discharge or lessen those debts which he contracted while disabled in your service, and preparing to discharge the duties of his profession. Who would voluntarily sustain his loss? Who would be deprived of the pleasures of locomotion for the paltry consideration proposed by this bill? Who would be unwilling to see his country, rich in land and rich in money, extend this relief to a distinguished fellow-citizen, who had thus devoted himself to its interest? Connected with these sacrifices, Mr. J. said, he recollected of hearing Mr. Shannon, on a late memorable occasion, while addressing his enlightened constituents, whom he had represented with so much credit, declare that he could boast of no paternal inheritance, except that liberty and independence which we all enjoy, and for which his father had fought in the Revolutionary war. While we avoid every thing like extravagance or prodigality, he hoped Congress would pursue a liberal course towards those who had freely shed their blood, and who had lost their limbs in the service of their country. We have given many examples of that liberality and justice which disproved the charge of ingratitude against this Republic. We had provided for the Revolutionary hero; we had provided for the widows and the orphans of the late war; we had provided for the wounded officer and soldier; and, on this occasion, he hoped he did not ask in vain.

On motion, the bill was laid over until to-morrow.

LAND TITLES IN LOUISIANA.

The Senate resumed the consideration of the bill to enable the holders of French, British, and Spanish titles to land within the State of Louisiana, which have not been recognised as valid by the United States, to institute proceedings in the courts of the United States to try the validity thereof.

Mr. JOHNSON, of Louisiana, after some remarks on the strong claim which the holders of these titles had to be allowed to prove and settle their validity, &c., moved to strike out that clause of the bill, which proposes to except from this privilege all claims above —— acres, (to be reserved for the future disposition of Congress,) and to substitute a provision excluding by name, and these only, the three great claims of the Baron Bastrop, the Marquis of Maison Rouge, and Houmas. He offered this amendment, not that he thought the claims specified less entitled to an early adjustment, but to disembarrass this bill from the difficulty which these three large claims might present to its speedy passage, if included in it, and with the view of bringing them forward in a separate bill.

Mr. LOWRIE stated his objections to this amendment, and to legislating at this time for any but the smaller class of these claims.

Mr. BROWN, of Louisiana, followed in a speech of considerable length and much earnestness, in general support of the bill. He gave a historical view of the transfers of the country in question, the origin and nature of land claims there, under the different Governments, &c., and urged forcibly the expediency and the justice of permitting those holding claims not comprehended in the adjustments of the Boards of Commissioners to come forward, after so many years delay, and establish the validity of their titles in the courts of the United States, where, in fact, they must come sooner or later, as the genuine titles could never be invalidated or impaired by the power of Congress, or its delay.

The amendment offered by Mr. JOHNSON, of Louisiana, was negatived; and, after some further discussion on details,

Mr. VAN DYKE (Chairman of the Committee on Public Lands) submitted a motion so to amend the bill as to comprehend all the unsettled land titles, large and small; which motion he supported by a number of remarks, to show that the legality of these titles could only be ascertained judicially; that it was not probable, after the experience which was had, that Congress would adjudicate them; that they must come into the courts eventually; and that it was due to the numerous citizens concerned, to the State in which the claims lay, &c., that no longer delay should be permitted.

Before the question was taken on this amendment, a motion was made by Mr. CHANDLER to postpone the bill to Monday, to give time for examining it; which motion was agreed to, and the Senate adjourned.

FRIDAY, January 31.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act supplementary to the acts to provide for certain persons engaged in the land and naval service of the United States, in the Revolutionary war;" and also a bill entitled "An act for the relief of James Morrison, of Kentucky;" in which bill they request the concurrence of the Senate.

The first of said bills was twice read, by unanimous consent, and referred to the Committee on Pensions. The other was also twice read, by unanimous consent, and referred to the Committee of Claims.

Mr. WILLIAMS, of Tennessee, from the Committee on Military Affairs, to which the subject was referred, reported a bill to establish a national armory on the Western waters. The bill was read, and passed to the second reading.

Mr. WILLIAMS, from the same committee, in pursuance of the resolution of the Senate, reported a bill directing the payment of the Georgia militia

claims, for services rendered during the years 1792 3, and '4. The bill was read, and passed to the second reading.

Mr. WILLIAMS, of Tennessee, presented the petition of Edward Owings, praying payment of the arrears due to two soldiers, of whose claims he had become the purchaser, for a valuable consideration. The petition was read, and referred to the Committee of Claims.

Mr. JOHNSON, of Kentucky, laid before the Senate a document in support of the claim of Robert Shaw, who lost a horse in the service of the United States; which was read, and referred to the same committee.

Mr. VAN DYKE presented the memorial of Herkimer Sternberg and others, praying certain amendments to the patent laws. The memorial was read, and referred to the Committee on the Judiciary.

Mr. SMITH, of Maryland, asked and obtained leave to introduce a bill, making an appropriation ($100,000 a year for ten years) for the gradual armament of the new fortresses of the United States. The bill was twice read, by unanimous consent, and referred to the Committee on Military Affairs.

Mr. CHANDLER submitted the following motion for consideration:

Resolved, That the President of the United States be requested to cause to be laid before the Senate, a statement of the number and size of cannon, mortars, and howitzers, necessary to the armament of the fortresses of the United States, which have been erected since the first day of June, 1815, as well as those which have been directed to be built, and not yet completed; with an estimate of the sum necessary to defray the expense of purchasing such armament; also, an estimate of the sum necessary for purchasing such a quantity of shot and shells, of every description, as may be thought necessary for the fortresses before mentioned, designating the necessary armament for each fortress.

MONDAY, February 3.

The PRESIDENT communicated a letter from the Secretary of War, transmitting a report, by the Second Comptroller, showing the amount expended, and the balance remaining unexpended, of the appropriations for the service of the year 1822, on the 31st of December last; and the letter and report were read.

The PRESIDENT, also, communicated a report of the President and Directors of the Washington Canal Company, made in obedience to the provisions of their charter, containing a statement of their receipts and expenditures for the year ending on the 31st day of December last; and the report was read.

Mr. SMITH, of Maryland, presented the petition of John Mitchell, praying relief in the settlement of his accounts as agent for the exchange of prisoners of war, at Halifax, in the years 1812 and 1813. The petition was read, and referred to the Committee of Claims.

Mr. LOWRIE, from the Committee on Finance, to which was referred the petition of Elijah Vansyckel, of the city of Philadelphia, made a report, accompanied by a resolution that the prayer of the petitioner ought not to be granted.

Mr. JOHNSON, of Louisiana, asked and obtained leave to introduce a bill to revive and continue in force the seventh section of an act, entitled "An act supplementary to the several acts for the adjustment of land claims in the State of Louisiana," approved the 11th May, 1820, and for other purposes. The bill was twice read, by unanimous consent, and referred to the Committee on Public Lands.

Mr. SOUTHARD gave notice that, to-morrow, he should ask leave to introduce a bill for the punishment of frauds committed on the Departments of the Government of the United States.

Mr. SMITH, of Maryland, submitted the following motion for consideration:

Resolved, That the Committee on Finance be instructed to inquire into the expediency of admitting the silver coins of Mexico as a currency in the United States, at their true value.

The PRESIDENT laid before the Senate the credentials of JOHN CHANDLER, appointed a Senator by the Legislature of the State of Maine, for the term of six years, commencing with the fourth day of March next; which were read, and laid on file.

Mr. WARE presented the petition of James Pelot, praying an additional compensation for his services as assistant assessor. The petition was read, and referred to the Committee of Claims.

The bill directing the payment of the Georgia militia claims for services during the years 1792, '3, and '4, was read the second time.

The bill to establish a national armory on the Western waters, was read a second time.

The Senate resumed the consideration of the bill from the House of Representatives, in addition to the act for the prompt settlement of public accounts, and for the punishment of the crime of perjury: and some time was spent in discussing the provisions of the bill. In the course of the discussion—

Mr. SMITH, of South Carolina, moved to insert a clause providing that "the testimony of the party interested shall in no case be admitted; nor shall any other evidence be admitted, but according to the rules of evidence in the courts of law;" when the bill was postponed until to-morrow.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate of the United States:

Having lately received a memorial from the Legislative Council of the Territory of Florida, on subjects very interesting to the inhabitants of that Territory, and also to the United States, which require legislative provision, I transmit the same to Congress, and recommend it to their consideration.

JAMES MONROE.

FEBRUARY 3, 1823.

The Message and accompanying memorial were read, and referred to the Committee on the Judiciary.

The Senate resumed the consideration of the report of the Committee of Claims, to which was referred the petition of James Morrison, of Ken-

tucky; and on motion, the further consideration thereof was postponed to, and made the order of the day for, Friday next.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the benefit of George Shannon; and, on motion, the further consideration thereof was postponed to, and made the order of the day for, to-morrow.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act for laying out and making a road from the Lower Rapids of the Miami of Lake Erie to the western boundary of the Connecticut Western Reserve, in the State of Ohio, agreeably to the provisions of the Treaty of Brownstown;" and, on motion, the bill was laid on the table.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to enable the holders of French, British, and Spanish titles to land within the State of Louisiana, which have not been recognised as valid by the Government of the United States, to institute proceedings to try the validity thereof, and for other purposes; and, on motion, the bill was laid on the table.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to extend the charter of the Mechanics' Bank of Alexandria, in the District of Columbia, together with the amendment reported thereto by the Committee on the District of Columbia; and, on motion, the further consideration thereof was postponed to, and made the order of the day for, Wednesday next.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to enable the President of the United States to treat with the Chippewa Indians for the purchase of certain lands on the south side of Lake Superior, supposed to contain valuable mines of copper; and, on motion, the bill was laid on the table.

IMPORTATION OF MERCHANDISE.

The Senate resumed the consideration of the bill, from the House of Representatives, to amend the act further to regulate the entry of merchandise imported into the United States from any adjacent territory.

Mr. SEYMOUR moved the adoption of the following additional sections to the bill:

SEC. 2. *And be it further enacted*, That, if any person or persons shall receive, conceal, or buy any goods, wares, or merchandise, knowing them to have been illegally imported into the United States, and liable to seizure by virtue of any act in relation to the revenue, such person or persons shall, on conviction thereof, forfeit and pay a sum double the amount or value of the goods, wares, or merchandise, so received, concealed, or purchased.

SEC. 3. *And be it further enacted*, That, if any person shall forcibly resist, prevent, or impede, any officer of the customs, or their deputies, or any person assisting them in the execution of their duty, such person so offending shall for every such offence be fined in a sum not exceeding four hundred dollars.

SEC. 4. *And be it further enacted*, That the provisions of the forty-sixth section of the act, entitled "An act to regulate the collection of duties on imports and tonnage," passed the 2d day of March, 1799, be, and they hereby are, extended to the case of goods, wares, and merchandise, imported into the United States from an adjacent territory.

SEC. 5. *And be it further enacted*, That all penalties and forfeitures incurred by force of this act shall be sued for, recovered, distributed, and accounted for, in the manner prescribed by an act, entitled "An act to regulate the collection of duties on imports and tonnage," passed on the 2d day of March, 1799.

These amendments were ordered to be printed, and the bill was laid on the table.

CIRCUIT COURT—DISTRICT OF COLUMBIA.

The Senate then took up, in Committee of the Whole, the bill providing for the accommodation of the Circuit Court of the United States for Washington county, in the District of Columbia, and for the preservation of the records of said court. [This bill authorizes the President to cause to be purchased and completely finished a number of apartments in the new City Hall, now building in Washington, sufficient for the accommodation of the circuit court of the county, for grand and petit jury rooms, and for the offices of the clerk of the court and the marshal of the District; and, for effecting the object, appropriates —— dollars.]

A good deal of debate followed on this bill, in which it was earnestly supported by Mr. BARBOUR, and was as earnestly opposed by Mr. MACON; it was opposed also by Mr. SMITH, of Maryland, and partially by Messrs. LOWRIE, CHANDLER, HOLMES of Maine, BROWN of Ohio, and WILLIAMS of Tennessee, who thought that if the bill did pass, the sum of $30,000 (which had been mentioned by Mr. BARBOUR as necessary) was a great deal too much.

Mr. BARBOUR, acquiescing in what appeared to be the sense of the Senate, reduced the sum he intended to propose, and moved to fill the blank with $20,000. This sum was negatived without a division.

The sum of $15,000 was then moved, and also rejected.

The sum of $10,000 was moved, and carried—yeas 16, nays 10; and

The bill was then ordered to be engrossed and read a third time—yeas 14, nays 12.

The resolution offered by Mr. CHANDLER on Friday was taken up and agreed to; and the Senate adjourned.

TUESDAY, February 4.

The engrossed bill providing for the accommodation of the circuit court of Washington county, in the District of Columbia, was read a third time and passed—yeas 21.

Mr. BARTON presented the petition of Prospect K. Robbins, late a lieutenant in a company of United States' rangers, praying the payment of his account for a private servant and horse retained by him while in service; and the petition was read, and referred to the Committee of Claims.

Mr. BARTON presented the petition of George Gatty, praying the confirmation of his title to a tract of land which he has inhabited and culti-

vated since the year 1809; and the petition was read, and referred to the Committee on Public Lands.

Mr. SMITH, of South Carolina, presented the petition of Peter Cherry, who served in the Army of the United States, in the Revolutionary war, praying a pension, agreeably to the act of the 18th of March, 1818; and the petition was read, and referred to the Committee on Pensions.

Mr. EATON presented the petition of Alfred Flournoy, praying the commutation of his monthly pension for an equivalent in land, for reasons stated in his petition; which was read, and referred to the Committee on Public Lands.

Mr. SMITH, of South Carolina, from the Committee on the Judiciary, to which was referred the bill, entitled "An act for the better organization of the district court of the United States within the State of Louisiana," reported the same without amendment.

Mr. SMITH, of South Carolina, from the same committee, to which was referred the bill to regulate the collection of debts in the District of Columbia, reported it without amendment.

Mr. VAN DYKE, from the Committee on Public Lands, to which was referred the bill to revive and to continue in force the second section of an act, entitled "An act supplementary to the several acts for the adjustment of land claims in the State of Louisiana, approved the eleventh May, 1820, and for other purposes," reported the same with an amendment; which was read.

The Senate proceeded to consider the motion, submitted yesterday, in relation to the coins of Mexico, and agreed thereto.

Mr. VAN DYKE, from the Committee on Public Lands, reported a bill supplementary to the several acts for the adjustment of land claims in the State of Louisiana; and the bill was read, and passed to the second reading.

The Senate resumed the consideration of the report of the Committee on Finance, on the petition of Elijah Van Syckel; and, on motion, it was laid on the table.

The Senate resumed the consideration of the bill, entitled "An act in addition to an act, entitled 'An act for the prompt settlement of public accounts, and for the punishment of the crime of perjury,'" together with the amendments proposed thereto; and, on motion, the bill was recommitted to the Committee on the Judiciary.

Mr. BARBOUR gave notice that he should ask leave to bring in a resolution granting to the Washington Library a copy of the public documents, laws, and journals.

Mr. VAN DYKE, from the select committee to which was referred the bill, together with the substitutes proposed thereto, for abolishing imprisonment for debt, reported a new bill, embracing a number of sections; which bill was read.

Mr. BARBOUR laid before the Senate an act of the British Parliament, passed June, 1822, to regulate trade between the British possessions in America and the West Indies; and other places in America and the West Indies; which act was, on motion of Mr. B., ordered to be printed.

The bill for the relief of Samuel Buel was discussed in Committee of the Whole, and ordered to a third reading.

Mr. SOUTHARD, agreeably to notice given, having obtained leave, introduced a bill to punish frauds committed on the departments of the Government; which bill was twice read by general consent, and referred.

On motion of Mr. BARBOUR, the resolutions to amend the Constitution of the United States were made the order of the day for Thursday next.

The bill for the relief of George Shannon was again taken up; when Mr. NOBLE submitted, at some length, his objections to the bill and the justice of the claim of the petitioner. He was replied to by Mr. R. M. JOHNSON, of Kentucky; and, after some amendment, the question was taken on ordering the bill to be engrossed for a third reading, and was negatived without a division; and the bill, of course, rejected.

The bill to divide the State of South Carolina into two judicial districts was taken up in Committee of the Whole.

Mr. SMITH, of South Carolina, offered several amendments, which were agreed to, and the blanks were filled. In the course of the discussion of it, the clause which authorized an additional marshal was stricken out, on the motion of Mr. MACON. The bill was then ordered to be engrossed for a third reading.

The Senate then took up the bill to repeal so much of the act of April 18, 1806, as limits the price of certain lands in the State of Tennessee. Considerable discussion took place on this bill, involving chiefly the merits of the controversy which formerly existed between North Carolina and Tennessee, respecting the location of lands within the latter, the act of cession, &c., in which discussion Messrs. EATON, MACON, WILLIAMS of Tennessee, STOKES, and KELLY, engaged. The bill was finally ordered to be engrossed for a third reading.

The bill to establish an additional land office in the State of Missouri, passed through a Committee of the Whole, in which its expediency was explained by Mr. BARTON, and the bill was ordered to be engrossed for a third reading.

WEDNESDAY, February 5.

Mr. BROWN, of Louisiana, presented the petition of John Nicholson, marshal of the United States for the district of Louisiana, stating that, in the year 1821, a number of Africans were captured by the United States' vessel of war the Hornet, and libelled in said district court; that while they remained in his custody, as the officer of the court, it became necessary to supply them with food, clothing, and medical attendance, for which he has never been paid; and praying the reimbursement of his expenses. The petition was read, and referred to the Committee of Claims.

The following engrossed bills were severally read the third time, passed, and sent to the House of Representatives for concurrence.

A bill for the relief of Samuel Buel;

A bill to establish an additional Land Office in the State of Missouri;

A bill to divide the State of South Carolina into two judicial districts;

A bill to repeal so much of the act of April 18, 1806, as limits the price of certain lands in the State of Tennessee.

Agreeably to notice, Mr. BARBOUR asked leave, and introduced a joint resolution to deposite in the Library of the City of Washington a copy of the public documents, &c.

Mr. ELLIOTT, from the Committee on Military Affairs, made an unfavorable report on the petition of James Lloyd, of Virginia; which was read.

Mr. LOWRIE gave notice that he should ask leave to bring in a resolution directing the printing of the Journals of Congress, from the fifth day of September, 1774, to the third of November, 1786.

Mr. CHANDLER presented the petition of John Fitzgerald, who served in the Army of the United States in the Revolutionary war, praying a pension, agreeably to the act of March 3d, 1818; and the petition was read, and referred to the Committee on Pensions.

Mr. NOBLE, from the Committee on Pensions, to which was referred the bill, entitled "An act supplementary to the acts to provide for certain persons engaged in the land and naval service of the United States during the Revolutionary war," reported the same, without amendment: and the bill was postponed to, and made the order of the day for, Thursday, the 13th instant.

The PRESIDENT communicated a report of the Secretary for the Department of War, on the petition of Eleanor Lawrence. The report was read, and referred to the Committee on Military Affairs.

The bill supplementary to the several acts for the adjustment of land claims in the State of Louisiana, was read the second time.

The PRESIDENT communicated a report of the Secretary for the Department on the memorial of Benjamin Shain; and the report was read.

DUTIES ON IMPORTS.

The Senate resumed the consideration of the bill from the other House, to make perpetual an act passed the 3d of March, 1817, entitled "An act to continue in force an act "further to provide for the collection of duties on imports and tonnage, passed the 3d of March, 1815, and for other purposes."

[The act of 1817, which this bill proposes to make perpetual, provides, in substance, that if any suit or prosecution be commenced in any State court against any officer of the United States, civil or military, for any thing done, or omitted to be done, or against any person aiding or assisting such officer, that the said officer shall have the right to remove, with certain legal forms, such suit or prosecution out of the State court into the circuit court of the United States, and that the State court shall proceed no further in the cause. There are other provisions in this act, but the above is the only contested one.]

On this bill a debate arose, which occupied the remainder of the day's session. Mr. TAYLOR, of Virginia, commenced the debate, by submitting, at much length, his objections to the bill. Messrs. HOLMES, of Maine, VAN BUREN, EATON, LOWRIE, MILLS, and MACON, joined in the debate—the two first named going more into the merits of the act in question, than the other gentlemen. The discussion turned principally on the question of the jurisdiction of the Supreme Court over causes originating in the State courts, the doctrines advanced, and the decisions made by the Supreme Court in questions of this character, &c. Finally, the bill was, on the motion of Mr. VAN BUREN, postponed to Monday next.

THURSDAY, February 6.

The PRESIDENT communicated to the Senate the annual report of the Commissioners of the Sinking Fund; which was read.

Mr. RUGGLES, from the Committee of Claims, made an unfavorable report on the petition of Joseph S. McPherson; which was read.

The Senate took up the report of the Committee on Military Affairs, unfavorable to the petition of James Lloyd, and, after some explanatory remarks by Mr. BARBOUR and Mr. ELLIOTT, the report was laid on the table.

Mr. BROWN, of Ohio, from the Committee on Roads and Canals, reported a bill supplemental to the act to authorize the appointment of commissioners to lay out a road (a continuation of the Cumberland road) from the Ohio to the Mississippi river. [This bill provides that the road shall be laid out so as to pass through Columbus, Indianapolis, and Vandalia, the seats of government of the States of Ohio, Indiana, and Illinois; that it shall be laid out in one year; that but one commissioner instead of three shall be appointed to perform the duty; and that a further sum of six thousand dollars shall be appropriated for the object.] The bill was read twice by general consent.

Mr. LOWRIE, agreeably to notice, introduced a joint resolution, directing the Secretary of the Senate and the Clerk of the House of Representatives, to have a number of copies of the Journals of the old Congress printed, subject to the future order of Congress; which resolution was twice read and referred to the Judiciary Committee.

Mr. KING, of Alabama, presented the memorial of the Legislature of Alabama, praying that the military works for the defence of the bay and harbor of Mobile may be completed. The memorial was read, and referred to the Committee on Military Affairs.

Mr. K. also presented the memorial of the said Legislature, praying a modification of the laws providing for the subdivision and sale of the public lands of the United States; which was referred to the Committee on Public Lands.

Mr. K. also presented the resolution of the Legislature of said State, instructing their Senators, and requesting their Representatives, to endeavor to procure the passage of a law imposing a tonnage

duty on all vessels coming into the ports of Mobile and Blakely. The resolution was read, and referred to the Committee on Finance.

Mr. KELLY presented the memorial of the Legislature of the said State, praying the passage of a law requiring a treaty to be held with the Cherokee Indians, for the purchase of a portion of their territory lying within the limits of the State. The memorial was read, and referred to the same committee.

Mr. CHANDLER presented the petition of Thos. Eastman, late agent of a contractor for furnishing the Army of the United States with provisions, praying reimbursement of his expenditures for storage. The petition was read, and referred to the Committee of Claims.

Mr. KELLY presented the memorial of Alfred Moore and Sterling Orgain, praying the payment of an account against the United States; which was referred to the Committee of Claims.

Mr. EATON submitted the following resolution for consideration; which was read:

Resolved, That the 31st Rule for conducting business in the Senate be amended to read as follows:

"A nominating committee, to consist of five members, shall be chosen on the third day of each session, by ballot, and a majority of votes shall be necessary to a choice; the duty of which committee shall be, as soon as may be, to appoint, and report to the Senate for confirmation, the several committees authorized by the 30th rule for conducting business in the Senate. But when any subject or matter shall have been referred to a committee, any other subject or matter of similar nature may, on motion, be referred to such committee."

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act for laying out and making a road from the Lower Rapids of the Miami of Lake Erie to the western boundary of the Connecticut Western Reserve, in the State of Ohio, agreeable to the provisions of the Treaty of Brownstown," together with the amendment reported thereto by the Committee on Roads and Canals; and the further consideration thereof was postponed to, and made the order of the day for, Monday next.

FRIDAY, February 7.

Mr. RUGGLES presented a petition from a number of citizens of the State of Ohio, praying Congress to pass a law granting an outfit for exploring the polar regions, under the conduct of Captain John Cleves Symmes; not only with a view of making new discoveries in geography, natural history, geology, and astronomy, or to verify the new theory of the earth, advanced by Captain Symmes; but also, with the view of opening new sources of trade and commerce. This petition was, on motion, ordered to lie on the table.

Mr. KELLY presented the memorial of the Legislature of the State of Alabama, praying further relief to the purchasers of public lands in that State. The memorial was read, and referred to the Committee on Public Lands.

Mr. KELLY, also, presented the memorial of the said Legislature, praying that the sale of the public lands within the counties of Jackson and Decatur may be deferred, and that certain settlers may be entitled to the right of pre-emption.—Referred to the same committee.

Mr. BARTON, from the Committee of Claims, to which was referred the petition of Daniel Merrill, with the accompanying documents, made a report, accompanied by a resolution, that the petitioner have leave to withdraw his petition and papers. The report and resolution were read, and laid on the table.

Mr. NOBLE submitted the following motion for consideration:

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of granting by law the fee simple to William Conner, to lands, for his services to the United States, in assisting to procure the treaties with the several tribes of Indians, held at St. Mary's, in the month of October, 1818; and that the evidence of the services of William Conner, as given by two of the commissioners who held the treaties, Jonathan Jennings and Lewis Cass, be referred to the said committee.

On motion, by Mr. RUGGLES, the Committee of Claims, to which was referred the petition of John Rush and Samuel Conway, praying compensation for Revolutionary services, were discharged from the further consideration thereof, and it was referred to the Committee on Public Lands.

Mr. VAN DYKE, from the Committee on Public Lands, to which was referred the memorial of the Legislature of the State of Alabama, praying a modification of the laws providing for the subdivision and sale of the public lands of the United States, made a report, which was read, and laid on the table.

Mr. VAN DYKE, from the same committee, to which was referred the Message of the President of the United States, transmitting a report from the Secretary of War, with accompanying documents, in compliance with a resolution of the Senate, of the 22d of February, 1822, requesting "the President of the United States to cause to 'be collected and communicated to the Senate, at 'the commencement of the next session of Con-'gress, the best information which he may be able 'to obtain, relative to certain Indians, and the 'lands intended for their benefit, on the Musking-'um, in the State of Ohio, granted under an act 'of Congress of June 1, 1796, to the Society of 'United Brethren for propagating the Gospel 'among the Heathen, showing, as correctly as 'possible, the advance or decline of said Indians 'in numbers, morals, and intellectual endowments; 'whether the lands have inured to their sole ben-'efit, and, if not, to whom, in whole or in part, 'have such benefits accrued," made a report; and, in concurrence therewith, the committee were discharged from the further consideration thereof.

Mr. VAN DYKE, from the same committee, to which was referred the memorial of Lewis D. de Schweinitz, agent of the Society of United Brethren for propagating the Gospel among the Heathen, expressing the earnest wish of the Society

to be divested of the trust estate of certain lands on the Muskingum, in the State of Ohio, which were granted and conveyed to the said Society by the United States, by patent, bearing date the 24th day of February, 1798, made a report, accompanied by a resolution, that the committee be discharged from the further consideration of the said memorial. The report and resolution were read, and laid on the table, and ordered to be printed, together with the preceding report, for the use of the Senate.

The Senate resumed the consideration of the report of the Committee of Claims, on the petition of James Morrison, of Kentucky; and it was laid on the table.

The Senate resumed the consideration of the report of the same committee, on the petition of Joseph S. McPherson; and it was laid on the table.

The Senate resumed the consideration of the motion of the 6th instant, to amend the 31st rule for conducting business in the Senate; and it was laid on the table.

Mr. BENTON, from the Committee on Public Lands, to which the subject was referred, reported a bill for the relief of Taylor Berry. The bill was read, and passed to the second reading.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to revive, and to continue in force, the seventh section of an act entitled "An act supplementary to the several acts for the adjustment of land claims in the State of Louisiana," approved the eleventh May, 1820, and for other purposes, together with the amendment reported thereto by the Committee on Public Lands; and, on motion, the further consideration thereof was postponed to, and made the order of the day for, Monday next.

Mr. WILLIAMS, of Tennessee, from the Committee on Military Affairs, laid before the Senate a letter from the Secretary of War, on the subject of the armament of the fortresses of the United States; which was read, and ordered to be printed for the use of the Senate.

Mr. WILLIAMS, of Tennessee, from the same committee, to which the subject was referred, reported a bill for the relief of Eleanor Lawrence; and the bill was twice read, by unanimous consent.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to extend the charter of the Mechanics' Bank of Alexandria, in the District of Columbia, together with the amendment reported thereto by the Committee on the District of Columbia; and, on motion, the further consideration thereof was postponed to, and made the order of the day for, Monday next.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate and House of Representatives of the United States:

I transmit, herewith, a resolution of the Legislature, with an extract of a letter from the Governor of Georgia, and a memorial of the Legislature of Missouri, relative to the extinguishment of the Indian title to lands within the limits of these States, respectively. Believing the present time to be propitious for holding treaties for the attainment of cessions of land from the Indians within those States, I submit the subject to the consideration of Congress, that adequate appropriations for such treaties may be made, should Congress deem it expedient.

JAMES MONROE.

WASHINGTON, *Feb.* 3, 1823.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act supplementary to, and to amend an act, entitled 'An act to regulate the collection of duties on imports and tonnage,' passed 2d March, 1799, and for other purposes;" a bill, entitled "An act for the relief of Abraham Snyder;" and also a bill, entitled "An act for the relief of James Hyde;" in which bills they request the concurrence of the Senate.

COLONIAL TRADE.

The Senate took up for consideration the bill to regulate the commercial intercourse between the United States and certain British colonial ports.

[This bill suspends our restrictive acts of 1818 and 1820, and embraces a number of provisions growing out of the repeal of the late restrictive laws of Great Britain, in regard to foreign intercourse and trade with her American possessions.]

Mr. BARBOUR (chairman of the Committee of Foreign Relations) presented to the Senate, in a speech of considerable length, a number of details and facts connected with the subject of this bill; he took a historical view of the trade and intercourse of this country, while in its colonial state, with the mother country; traced the subject down, through all the embarrassments and difficulties which have subsequently occurred in our commercial intercourse with Great Britain and her colonies; the treaties formed on the subject; the causes and necessity of our late restrictions, forced on us by the close, selfish, and unreciprocal policy of Great Britain, from which she has at length receded, after finding that the counteracting measures adopted by the United States were firmly and tenaciously adhered to. Mr. B. also took this occasion to justify the agency which he had, as an auxiliary only, and not a principal, in producing and maintaining the retaliatory restrictive system of this country; this he did because the system had borne hard on the interest of some parts of the country, and it had been imputed to him as a fault that he had aided in adopting and adhering to this policy. He urged the success of the system in vindication of its wisdom, and dwelt some time on the beneficial effect (referring to the unanimity with which that system was adopted and adhered to by Congress) of united counsels in all questions between foreign nations and ourselves. When Mr. B. concluded, the bill was laid over to Monday.

AMENDMENT TO THE CONSTITUTION.

The Senate then resumed the consideration of the proposition made by Mr. TAYLOR, of Virginia, to amend the Constitution of the United States, in regard to the election of President of the Uni-

ted States, and the substitute offered thereto by Mr. DICKERSON, of New Jersey.

Mr. TAYLOR, of Virginia, rose, and addressed the Senate about an hour in support of his own proposition and in opposition to the substitute. He opposed the substitute, because, so far as it proposed an uniformity in the election of Electors, by districts, throughout the Union, it had a tendency to create an aristocracy of small States; to prevent an election of President by the Electors, and to throw the election of President into the House of Representatives, where the small States would have an undue weight, the effect of which might in time be to produce a revolution in our political system that would be fatal to the present equality assigned to the small States by the Constitution. Mr. T. laid down the position that the power of the Federal Government had increased, was increasing, and ought, at least, not to be extended; he argued against all measures which would have the effect to produce a national instead of a federated Government, and opposed the substitute because it would tend to produce that result. He depicted many of the evils which would naturally grow out of the election of President by the House of Representatives—the opportunity and the inducement which it would hold out to corruption; its bad effects on the general business of legislation, and the interests of the nation; the improper connexion it would create between an Executive thus elected, and those in the Legislature thus acted on. The election of the Executive by the Legislative branch, even if pure, he deprecated as an unnatural and illegitimate connexion of distinct powers and duties; his own amendment he thought would have the effect to keep the election of President where the framers of the Constitution designed it should be, and where it ought to be—that is, in the hands of the Electors elected by the people, and to prevent almost the possibility of an election ever becoming necessary by the members of Congress. All these, and many other arguments, Mr. T. pressed and illustrated with force and ingenuity. When he concluded—

Mr. DICKERSON observed, that he was not in possession at this moment of the facts and materials necessary to enable him to answer the ingenious and impressive speech of Mr. T. now, if it should be in his power to do so at all; for he confessed that the remarks of that gentleman had produced much impression on his mind, as they had no doubt done on others. He moved, for the purpose of allowing time for reflection and investigation, to postpone the subject to Tuesday; which motion was agreed to.

Adjourned to Monday.

MONDAY, February 10.

Mr. MILLS presented the petition of Lieutenant Robert F. Stockton, late commander of the United States' schooner Alligator, stating that, in the discharge of his duty, he captured, and brought in for adjudication, two vessels, viz., the Jeune Eugene, and the Mariana Flora; that, in defending the legality of the captures, he has incurred great expense, for which he prays reimbursement; and that the United States may take such order for the defence of the suit in the case of the Mariana Flora, now before the Supreme Court, as may be deemed just and proper; and, on his motion, it was referred to the Committee on Naval Affairs.

Mr. JOHNSON, of Kentucky, laid before the Senate a certificate, signed by W. H. Harrison, late Major General, commanding the Northwestern army, in relation to the claims of James Morrison, of Kentucky; which was read, and ordered to be printed for the use of the Senate.

Mr. RUGGLES, from the Committee of Claims, to which was referred the petition of Samuel Q. Richardson, made a report, accompanied by a resolution, that the prayer of the petitioner ought not to be granted. The report and resolution were read, and laid on the table.

Mr. RUGGLES, from the Committee of Claims, to which was referred the petition of James Turner, made a report, accompanied by a resolution, that the prayer of the petitioner ought not to be granted.

Mr. SMITH, of Maryland, gave notice that, tomorrow, he should ask leave to introduce a resolution proposing an amendment to the Constitution of the United States, in relation to internal improvement.

Mr. BENTON, from the Committee on Public Lands, to which the subject was referred, reported a bill for the relief of the heirs of Don Harpin de la Gautrais. The bill was read, and passed to the second reading.

The Senate resumed the consideration of the motion in relation to William Conner, and agreed thereto.

The three bills brought up, on the 7th instant, from the House of Representatives, for concurrence, were read, and severally passed to the second reading.

The bill, entitled "An act supplementary to, and to amend, an act, entitled 'An act to regulate the collection of duties on imports and tonnage,' passed the 2d March, 1799, and for other purposes," was read the second time, by unanimous consent, and on motion by Mr. LLOYD, of Massachusetts, it was referred to a select committee, to consist of five members, to consider and report thereon; and Messrs. LLOYD of Massachusetts, PARROTT, WILLIAMS of Mississippi, KING of New York, and SMITH of Maryland, were appointed the committee.

The bill for the relief of Taylor Berry was read the second time.

The Senate resumed, as in Committee of the Whole, the consideration of the bill directing the payment of the Georgia militia claims, for services rendered during the years 1792, '3, and '4; and, no amendment having been made thereto, it was reported to the House; and, on the question, "Shall this bill be engrossed and read a third time?" it was determined in the affirmative—yeas 28, nays 11, as follows:

YEAS—Messrs. Barbour, Barton, Benton, Brown of

Louisiana, Brown of Ohio, Dickerson, Edwards, Elliott, Findlay, Gaillard, Holmes of Maine, Holmes of Mississippi, Johnson of Kentucky, Johnson of Louisiana, Kelly, King of Alabama, Lloyd of Massachusetts, Noble, Parrott, Smith of Maryland, Smith of South Carolina, Stokes, Talbot, Taylor of Virginia, Van Dyke, Ware, Williams of Mississippi, and Williams of Tennessee.

NAYS — Messrs. Boardman, Chandler, D'Wolf, Eaton, King of New York, Knight, Macon, Mills, Morril, Ruggles, and Van Buren.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to extend the charter of the Mechanics' Bank of Alexandria, in the District of Columbia, together with the amendment reported thereto by the Committee on the District of Columbia; and, on motion, the bill was laid on the table.

The Senate took up the bill to revive and continue in force the 7th section of the act of May, 1811, supplementary to the several acts for the adjustment of land claims in the State of Louisiana; and after some discussion, and the adoption of an amendment proposed by the Committee of Public Lands, the bill was ordered to be engrossed for a third reading.

The Senate next resumed the consideration of the bill from the House of Representatives granting certain lands to the State of Ohio for the purpose of laying out and making a road from the Lower Rapids of the Miami of Lake Erie to the Western boundary of the Connecticut Western Reserve, in Ohio, (through the Black Swamp,) agreeably to the provisions of the Indian treaty concluded at Brownstown.

When this bill was up on a former day, Mr. KING, of New York, contended that the lands which, it was asserted by the friends of the bill, were granted by the Indians to make this road, had not been granted for that purpose; but that the mile of land in width, on each side of the route agreed on for a road, was granted to the United States by the Indians for the formation of, and to promote settlements on, the line of the contemplated road, &c.

This opinion, and the arguments with which Mr. K. accompanied it, were to-day replied to by Mr. BROWN, of Ohio, at some length; after which the bill was laid over until to-morrow.

The Senate then resumed the consideration of the bill to regulate the commercial intercourse between the United States and certain British colonial ports. Some discussion arose on the provisions of this bill, embracing principally questions of detail, in which Messrs. LLOYD, of Massachusetts, BARBOUR, SMITH, of Maryland, MILLS, and KING, of New York, participated; after which the bill was postponed until to-morrow.

The Senate took up the bill to authorize the President of the United States to cause the Lead Mines and Salt Spring lands belonging to the United States to be exposed to public sale.

Mr. KING, of New York, doubted the expediency of ordering a sale of this important property of the nation, the extent of which was unknown, except so far as that it was known to be of great value; at least he was opposed to adopting any such measure without mature deliberation, and moved to lay the bill on the table for the present—which motion was agreed to.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act to extend the jurisdiction of justices of the peace, in the recovery of debts, in the District of Columbia;" a bill, entitled "An act to extend the time allowed for the redemption of lands sold for direct tax, in certain cases;" and also a bill, entitled "An act vesting in the State of Virginia the right of the United States to all fines assessed for non-performance of militia duty, during the late war with Great Britain, within said State;" in which bills they request the concurrence of the Senate.

The said bills were read, and severally passed to the second reading.

The bill, entitled "An act to extend the jurisdiction of justices of the peace, in the recovery of debts, in the District of Columbia," was read the second time, by unanimous consent, and referred to the Committee on the District of Columbia.

The bill, entitled "An act to extend the time allowed for the redemption of land sold for direct tax, in certain cases," was read the second time, by unanimous consent, and referred to the Committee on Finance.

The bill, entitled "An act vesting in the State of Virginia the right of the United States to all fines assessed for non-performance of militia duty, during the late war with Great Britain, within said State," was read the second time, by unanimous consent, and referred to the Committee on the Militia.

Mr. KING, of New York, submitted the following motion for consideration:

Resolved, That the President of the United States be requested to cause to be laid before the Senate, as soon as may be, an estimate of the quantity of land in the State of Georgia to which the Indian title has been extinguished by the United States since the cession of a portion of the territory of Georgia to the United States, together with a statement of the cost of such extinguishment; and, also, an estimate of the quantity of land within said State, and by what tribes claimed, to which the Indian title still remains to be extinguished.

Mr. BENTON submitted the following motion for consideration:

Resolved, That the Committee on Indian Affairs be instructed to inquire whether any, and, if any, what, provision is necessary to be made by law to enable the President of the United States to alter or modify the second article of the treaty of October 18, 1820, between the United States and the Choctaw tribe of Indians, so as to give effect to the said treaty without injustice to the white population settled in the Territory of Arkansas.

REVOLUTIONARY PENSIONS.

Mr. NOBLE, from the Committee on Pensions, communicated the following letter from the Secretary of War, which was read, and ordered to be printed:

WAR DEPARTMENT, *Feb.* 8, 1823.

SIR: I have the honor to inform you, in reply to your letter of the 6th instant, that, until the month of August, 1818, no particular account was kept of the number of applications for pensions, under the act of the 18th March, 1818. Since that time, however, a register of the claimants has been kept, from which it would appear, that 27,948 have applied for the benefits of that act, and since the passage of the act of May 1st, 1820, 2,039 have applied under both laws—18,880 claims have been admitted in all; 2,328 of which have been rejected, or dropt from the roll, under the act of the 1st May, 1820. On the 4th of September last, 12,331 were then on the pension list. The remaining 4,221 are either dead, or, from causes unknown to this Department, have failed to exhibit schedules of property. In 1818, the sum of $104,900 85, was paid to pensioners, under the act of that year; in 1819, $1,811,328 96; in 1820, the sum paid was only $1,373,849 41, the list of pensioners having been reduced by the operation of the act of the 1st May, 1820; in 1821, the sum of $1,200,000 was paid; and, in the year 1822, the sum of $1,833,936 30.

The apparent excess of expenditure in 1822, arises from the circumstance, that, in the preceding year, a deficiency was occasioned by a greater number having applied for pensions that year than was anticipated when the estimates were made: $451,836 of the expenditure of the last year was due the pensioners in the preceding year.

I would respectfully suggest to the committee, of which you are chairman, the propriety of limiting the commencement of the Revolutionary pensions, in all cases, to the time of completing the testimony, not only in original claims, but where persons have been continued on, or restored to, the pension roll. At present, the latter class receive their pay from the 4th March, 1820; and the prospect of receiving the amount of three years' stipend, at one time, opens a door to attempts at fraud, and is no small inducement for many to dispose of their property with a view of receiving pensions.

I have the honor to be, &c.

J. C. CALHOUN.

Hon. JAMES NOBLE,
Chairman Com. Pensions.

TUESDAY, February 11.

Mr. WILLIAMS, of Tennessee, from the Committee on Military Affairs, to which was referred the bill, entitled "An act supplementary to 'An act relating to the ransom of American captives of the late war,'" reported the same without amendment.

Mr. THOMAS presented the memorial of a number of the inhabitants of Illinois, praying relief may be extended to those purchasers of public lands who had paid for the same prior to the passage of the act of Congress for the relief of the purchasers of public lands.

Mr. HOLMES, of Mississippi, presented the memorial of the General Assembly of the State of Mississippi, praying a donation of public land for the benefit of the Natchez Hospital. The memorial was read, and referred to the Committee on Commerce and Manufactures.

Mr. LOWRIE presented the memorial of the Philadelphia Chamber of Commerce, in relation to the act to regulate the collection of duties on imports and tonnage. The memorial was read, and referred to the select committee to which was referred, yesterday, the bill, entitled "An act supplementary to, and to amend, an act, entitled 'An act to regulate the collection of duties on imports and tonnage, passed the 2d March, 1799, and for other purposes."

Mr. THOMAS presented the resolution of the Legislature of the State of Illinois, relative to the location and marking of the road from Wheeling to the Mississippi. The resolution was read, and referred to the Committee on Roads and Canals.

Mr. BENTON presented the petition of Daniel M. Boon, late a captain of rangers, praying reimbursement of his expenses for a servant and two horses. The petition was read, and referred to the Committee on Claims.

Mr. BENTON also presented the memorial of the Legislature of the State of Missouri, praying the organization of a tribunal for the adjudication of unconfirmed claims, to lands, and that a duty may be imposed on imported lead. The memorial was read, and referred to the Committee on Public Lands.

Mr. VAN BUREN presented the memorial of D. Dunham, praying that certain privileges may be conferred on the steamship Robert Fulton. The memorial was read, and referred to the Committee on Commerce and Manufactures.

Mr. SMITH, of South Carolina, from the Committee on the Judiciary, to which was referred the resolution directing the printing of the Journal of Congress, from the fifth day of September, 1774, to the third day of November, 1786, reported the same without amendment.

Agreeably to the notice yesterday given, Mr. SMITH, of Maryland, asked and obtained leave, and introduced the following joint resolution; which was read and passed to a second reading:

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, two-thirds of both Houses concurring, That the following amendment to the Constitution of the United States be proposed to the Legislatures of the several States; which, when ratified by the Legislatures of three-fourths of the States, shall be valid, to all intents and purposes, as part of the said Constitution:

That Congress shall have power to adopt and execute a system of internal improvements, confined to great national purposes.

The resolution was read, and passed to the second reading.

Mr. SOUTHARD, from the Committee on the Judiciary, to which was referred the bill for the punishment of frauds committed on the Departments of the Government of the United States, reported the same without amendment.

The bill directing the payment of the Georgia militia claims for services rendered during the years 1792,-'3, and '4, was read a third time, and passed.

The bill to revive and to continue in force the seventh section of an act, entitled "An act supple-

mentary to the several acts for the adjustment of land claims in the State of Louisiana, approved the 11th May, 1820, and for other purposes," was read a third time, and passed.

Mr. EATON, from the Committee on Public Lands, reported a bill to commute the pension of Lieutenant Alfred Flournoy; and the bill was read.

The Senate resumed the consideration of the bill to regulate the commercial intercourse between the United States, and certain British colonial ports; and after some further discussion of its details, and some amendment thereof, the bill was ordered to be engrossed and read a third time.

The Senate resumed the consideration of the report of the Committee of Claims, on the petition of James Turner, and, in concurrence therewith, resolved that the prayer of the petitioner ought not to be granted.

The Senate resumed the consideration of the motion of the 10th instant, for requesting certain information in relation to the Indian title to lands within the State of Georgia, and agreed thereto.

The Senate resumed the consideration of the motion of the 10th instant, for instructing the Committee on Indian Affairs in relation to a certain Indian treaty; and, on motion of Mr. WILLIAMS, of Mississippi, it was laid on the table.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act for the relief of James Rees, of New York, one of the sureties of Joseph H. Rees, deceased, late assistant deputy paymaster general in the service of the United States," in which bill they request the concurrence of the Senate.

The said bill was read, and it passed to the second reading.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of Eleanor Lawrence; and, an amendment having been made thereto, it was reported to the House, and ordered to be engrossed and read a third time.

NEW ENGLAND MISSISSIPPI LAND COMPANY.

Mr. VAN BUREN, from the Committee on the Judiciary, to which was referred a petition of the Massachusetts Directors of the Association called the New England Mississippi Land Company, made a detailed report thereon, adverse to the prayer of the petition; which was read, and ordered to be printed.

The report is as follows:

That, by an act of Congress, dated March 31, 1814, entitled "An act providing for the indemnification of certain claimants of public land in the Mississippi Territory," it is enacted, that every person or persons claiming said land, who have exhibited their claim to the Secretary of State, "shall be allowed until the first Monday in January next, to deposite, in the office of the Secretary of State of the United States, a sufficient legal release of all such claim or claims, to the United States, and an assignment and transfer to the United States, of their right and claim to any sum of money," paid into the Treasury of the State of Georgia, as a consideration for the purchase of the land released, with a power to recover the same; "such release, assignment, transfer, and power, to take effect, on indemnification of such claimants being made, conformably to the provisions of this act."

And the Secretary of State, Secretary of the Treasury, and the Attorney General of the United States, for the time being, were thereby constituted and appointed a Board of Commissioners, "and fully authorized and required to adjudge and determine upon the sufficiency of the release, and assignments, and powers, to be executed and deposited in the office of the Secretary of State; and also to adjudge, and finally to determine upon, all controversies arising from such claims so released as aforesaid, which may be found to conflict with, and be adverse to, each other; and, also, to adjudge and determine upon all such claims, under the aforesaid act, or pretended act, of the State of Georgia, as may be found to have accrued to the United States by operation of law."

By the act aforesaid, the President was authorized and required to cause to be issued, from the Treasury of the United States, to such claimants, respectively, certificates of stock, payable out of moneys arising from the sale of said public lands; and among other companies, to the person claiming in the name, or under the Georgia Mississippi Company, under the like terms and restrictions, a sum not exceeding, in the whole, one million five hundred and fifty thousand dollars:

"*Provided*, That any person having claims under either of said companies, and entitled to indemnity by virtue of this act, shall receive such indemnity only in proportion to the amount of such claim."

By an act of Congress, supplementary to the above, dated 23d January, 1815, the President was authorized, by and with the advice of the Senate, to appoint three fit and disinterested persons to be and act as commissioners, by virtue of said first-mentioned act, in the place of the public officers therein mentioned. The said persons were constituted and appointed a Board of Commissioners; which board was "declared to be intended to effect the same purposes and services as the said original board," and was thereby "authorized to execute all the powers granted to, and directed to perform all the duties enjoined upon, the said original Board of Commissioners, according to the intent and provisions of the act aforesaid."

In pursuance of the said last-mentioned act, Thomas Swan, Francis S. Key, and John Law, of the District of Columbia, were duly appointed commissioners to perform said service; and from the decree herewith exhibited, and from the case of Brown against Gilman, decided in the Supreme Court of the United States, and reported in 4th volume of Wheaton's Reports, it doth appear, that the Georgia Mississippi Company, mentioned in said act, sold and conveyed to certain persons in New England, all the land which they had acquired by said act, or pretended act, of the State of Georgia, estimated to contain eleven millions three hundred and eighty thousand acres, at and after the rate of ten cents per acre; two cents of which were paid in money, and the residue by notes of the respective purchasers, payable in successive years, with approved endorsers. The deed of conveyance, in due form of law, was made to the purchasers, and being placed in "escrow" for a short time, on payment of the money, and reception of notes, with endorsers satisfactory to the vendors, said deed was duly

delivered to the purchasers, who formed the association above mentioned, and conveyed their respective shares in said land to the trustees of said New England Mississippi Land Company, who were authorized to issue negotiable certificates, or scrips, so called, declaring the possessor thereof to be entitled to the proceeds of the quantity of land therein mentioned. The said trustees of the New England Mississippi Land Company, and directors thereof, petitioners as aforesaid, in pursuance of said act of indemnification, made proper releases and assignments of all right and claim to said land, and money in the treasury of Georgia, to the United States, and deposited the same in the office of the Secretary of State, as required by said act, and presented a claim for indemnification for the whole of said land, amounting, by said act, to one million five hundred and fifty thousand dollars.

The Georgia Mississippi Company, above named, presented a claim to said commissioners for indemnifications to the amount of 957,600 acres, part of said land sold by them as aforesaid, equal to one hundred and thirty thousand four hundred and twenty-five dollars and twelve cents, (say $130,425 12,) in consequence of certain unpaid notes they possessed, given in part for the purchase of said land, amounting to ninety-five thousand seven hundred and sixty dollars, (say $95,760;) which claim of said Georgia Mississippi Company, was opposed by said New England Company, none of which members were indebted on said notes; the sale of said land by the said original purchasers or parties to said notes having been made soon after they acquired the title as above, their assignees being members of the company. The said commissioners, however, adjudged and decreed that the said Georgia Mississippi Land Company, as vendors of said land, (although no mortgage or special security was made or reserved thereon,) had a just right or lien upon said quantity of land, for which said unpaid notes were given; and the said commissioners accordingly did adjudge and assign, out of the said sum of $1,550,000, the sum of one hundred and thirty thousand four hundred and twenty-five dollars and twelve cents, (say $130,425 12,) to the said Georgia Mississippi Land Company; the largest portion of which, about *three-fourths*, as appears by the said decree of said commissioners, was adjudged to belong to the United States, who claimed under the said Georgia Mississippi Land Company, in virtue of shares therein surrendered to the State of Georgia, and by the act aforesaid reserved to the United States. And the United States, as appears by said decree, now retain from said original sum, as representing shares of said Georgia Mississippi Land Company, a larger sum than the said one hundred and thirty thousand four hundred and twenty-five dollars twelve cents, (say $130,425 12,) taken by said commissioners from the said New England Mississippi Land Company as aforesaid. It also appears by the report of said commissioners, herewith, that the said commissioners received as claims on said fund the certificates or scrip of divers persons, issued by the trustees of said New England Mississippi Land Company, to the amount of one-fourth part of the stock of said company, or thereabouts. Said directors urged to said commissioners that persons who held their certificates, and were thereby members of the company, ought to resort to the trustees or treasurer for their share or dividend, after the indemnification had been received by the treasurer; but the board considered that such certificate holder might well apply to them for payment or satisfaction of their scrip in said company, deducting the reasonable proportion of the expenses of the company. They also decreed that persons holding the scrip or certificates of said company, which were derived originally from the sales made by parties to said unpaid notes, had no claim whatever on said fund; and in a distribution thereof, assigned to such certificate holders whose claims they allowed as above, their proportion of the company's funds, unencumbered by certificates derived originally from the parties to said notes as aforesaid.

It further appears, from the said case of Brown and Gilman being a suit brought against said directors by the holder of one of said certificates which had issued from the title of the parties to said unpaid notes aforesaid, that the commissioners erred in pronouncing that there was any lien upon said land, in consequence of said unpaid notes; and the said directors were adjudged liable to pay the same certificates, which the commissioners had declared were not obligatory; and thus the said directors, the petitioners, who, by the proceedings of said commissioners, received only about three-fourths of the stock of the company, were held liable to pay, in the first instance, the whole sum of one hundred and thirty thousand four hundred and twenty-five dollars twelve cents, (say $130,425 12.)

It also appears that the commissioners were not informed of the laws of Georgia, which, similar to those of Massachusetts, do not allow any lien to the vendor of land without mortgage or special security; and the surviving commissioners (Messrs. Swann and Key) are now fully satisfied that the said award was erroneous.

On the above facts, the petitioners have prayed that the aforesaid sum, erroneously withheld from them by said commissioners, may be granted to them; and, if not, that they may be reinvested in their title to said nine hundred and fifty-seven thousand six hundred acres (say 957,600 acres) of land, for which they have received no indemnification, by an act declaring that the said release executed by them to the United States, shall be inoperative as respects said quantity of land; and that the deeds and evidence of title, which in virtue of said act have been deposited by said commissioners in said office of the Secretary of State, may be restored to them, or attested copies granted, allowing the same to have the force of originals in courts of the United States.

The committee are satisfied that the whole of the said sum of $1,550,000 ought in strictness to have been awarded to said directors of the New England Mississippi Land Company by said commissioners; but they apprehend that the above prayer of the petitioners ought not to be granted, for the following reasons, viz:

The prayer of the petitioners, if granted, must be satisfied out of the moneys awarded by the commissioners to the Georgia Mississippi Land Company, and to the United States, as assignees of such of the Georgia Mississippi Land Company as had surrendered under the act of Georgia.

The reference to the commissioners was, as has already been stated, "to adjudge, and finally determine upon, all controversies arising from such claims, so released as aforesaid, which may be found to conflict with, and to be adverse to, each other; and, also, to adjudge, and determine upon, all such claims, under the aforesaid act, or pretended act, as may be found to have accrued to the United States by operation of law." The contemplated compensation, which was to extinguish a disputed claim, was made by the United States for the sake of peace; the submission was voluntarily

entered into by the parties, with full knowledge of the powers of the commissioners, the circumstances of their selection, the conclusiveness of their award, and their liability to err. If the mistake had been in favor of those who claim the fund, those who hold it would have been without redress. All that the United States were responsible for, was an honest discharge of their duties by the commissioners. That such has been the case, is not controverted; and, that being admitted, the committee are of opinion that the petitioners have no reason to complain, if the award is suffered to remain as binding upon them, as it necessarily was upon their adversaries.

Secondly. Independently of these considerations, the trustees of the New England Mississippi Land Company are not, in the opinion of the committee, entitled to the relief they ask. They have lost their legal rights by the error of the commissioners, under the circumstances which have been stated; and their application now is to the equity of the Government, which can only be to relieve them from injustice. What is their equity? They ask money for lands for which they have never paid. They ask it at the expense of those who have. If, through the improvidence of those from whom they purchased, they, before the submission and award, could, on strict legal principles, entitle themselves to what they now ask, it was their good fortune; but, having lost that legal advantage without fraud, they are without cause of complaint that it is not restored to them; for they have lost nothing to which they were in conscience entitled.

Thirdly. If the loss had fallen on those of the New England Mississippi Land Company who had not paid, or their immediate assignees, it is conceded that this application would be without merit. That it has fallen on others, is on account of the terms of the original Association, and the manner of transacting their business, authorized by the trustees and those they represent; and can furnish no ground of claim against those who had no agency in that matter, and who are, at least, equally innocent.

Fourthly. If the grounds relied on by the committee for refusing the direct relief prayed for, are well grounded, they are equally valid against the prayer for the surrender of the release.

INDIAN RESERVATION.

Mr. NOBLE moved the following resolution:

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of authorizing by law the sale of the tract of land reserved to the Wea tribe of Indians by the second article of the treaty held at St. Mary's, on the 2d day of October, 1818, and which tract of land was ceded to the United States by the said tribe of Indians by virtue of the treaty held at Vincennes on the 11th day of August, 1820.

Mr. NOBLE, in offering the resolution, said that, by virtue of the treaty with the Wea tribe of Indians, held at St. Mary's in the month of October, 1818, and by the second article of the treaty, the Wea Indians reserved to themselves a tract of land in the State of Indiana, at the mouth of Raccoon creek, seven miles in extent, and bordering on the Wabash river, &c.; that the same tribe of Indians, by a treaty held at Vincennes on the 11th day of August, 1820, ceded to the United States the tract of land which they reserved by the second article of the treaty held at St. Mary's in October, 1818. That he had recently understood that the tract of land was included in the county of Parke, and included the centre of the county; and that the citizens of that county had labored for years under great inconveniences for the want of the land being sold by the United States, and an opportunity (which could only be afforded by a sale of the lands) to fix their permanent county seat. Since he had heard of the difficulties which the citizens of Parke county labored under, in relation to their county seat, he applied to the Secretary of the Treasury, and found clearly that an act of Congress would be necessary to authorize the sale of the tract of land referred to in the resolution, though by the existing laws the land could be surveyed. He further added, that the land was valuable, and he hoped that provision would be made by law to authorize the sale of it; and that he was confident the interest of the United States would be promoted, and the citizens of Parke county relieved from their present embarrassment.

Mr. NOBLE then moved the Senate to consider the resolution; which motion was agreed to, and the subject was referred to the Committee on Public Lands, according to his motion.

AMENDMENT TO THE CONSTITUTION.

The Senate then resumed the consideration of the proposition of Mr. TAYLOR, of Virginia, to amend the Constitution of the United States, in regard to the election of President of the United States, together with the substitute proposed therefor by Mr. DICKERSON, of New Jersey.

Mr. DICKERSON said, the subject under consideration was one of great importance, and merited all the attention which Congress could bestow upon it. I am sensible, said he, that I must fail in any attempt to do justice to the propositions I have submitted to the Senate, especially when I must meet the opposition of the honorable gentleman from Virginia, (Mr. TAYLOR,) a veteran in Constitutional disquisitions, whose opinions on subjects connected with our Constitution, even when, unsupported by reasoning or facts, have nearly acquired the weight of conclusive arguments.

In one thing, the gentleman from Virginia and I agree: that the present Constitutional mode of choosing a President of the United States, is inadequate to the purpose, and highly dangerous to the Union. We agree, that an amendment to the Constitution, in this particular, is absolutely necessary; but we differ as to the remedy to be applied.

I shall endeavor to show, that so much of that gentleman's proposition as differs from the amendment I have proposed, is inexpedient, and even dangerous; that is, so much as respects the examination of the Electoral votes by the President of the United States—and their reference a second time to the Electors. By the Constitution, the Electors are to give their votes for President and Vice President, throughout the Union, on the same day. When the votes are counted before

the Senate and House of Representatives, in case of no election by the Electors, the House of Representatives is to proceed immediately to choose the President. No more time is allowed by law, for the different steps of the Presidential election, after the choice of Electors, than is absolutely necessary to afford the remote States the opportunity of giving their votes. These provisions were intended to prevent intrigue and combination; and they are wisely calculated to produce that effect. All which, however, would be completely counteracted by adopting the proposition of the gentleman from Virginia.

By this plan, the votes of the Electors are to be returned to the President of the United States; to be opened and examined by him; and, if it shall appear that no person has received a majority of the Electoral votes, he shall make proclamation of the fact: give notice of it to all the State Executives, and publish the number of votes given to each person as President; whereupon, the Electors shall again be convened, and again vote. It is evident, that the Electors must be chosen at a much earlier period than is now required, for there must be time to send on the Electoral votes from the most remote States, to the President, and to send messengers to those States, in case of failure to send on the votes. There must be time for examining the votes by the President; returning them to the State Executives; re-assembling the Electors for a second vote. All these operations give room for intrigue, and are attended with danger.

The votes of the Electors are to be sent on to the President, who may be a candidate himself; or, if not, he may be disposed to nominate his successor. He shall open and examine the votes; and, if it shall appear that no person has a majority of the whole number, he shall make proclamation. He, therefore, must decide upon the legality of votes—which are to be counted, and which not—the power to examine and count the votes, and to decide if any one has a majority of the whole, implies the power to reject those which ought not to be counted. Such a power is vested in the body now authorized to examine and count the Electoral votes. But are we prepared to vest such a power in any individual, however exalted his station or his virtues? But, suppose the President should avail himself of the assistance of his Cabinet, as in other cases, where he has important duties to perform, would the case be much altered for the better? I will suppose this part of the gentleman's amendment already adopted, and that some eighteen or twenty months to come are already past; that the Electoral votes are transmitted to the President; that his Cabinet is assembled, and busily engaged in opening and examining these votes. The assemblage would present an interesting groupe, worthy of the pencil of Hogarth; I will suppose the gentleman from Virginia to be an invisible spectator of this novel scene—and, I think, he would be convinced, that, although his proposition might be considered as an alteration, it could not be considered as an amendment to the Constitution.

In 1808 the Electors of Massachusetts were chosen by the joint vote of the two houses of the Legislature; but the resolution for going into joint meeting required the assent of the Governor, which he refused to give.

It happened that the vote of Massachusetts made no difference as to the result of the election; the votes were received and counted; but, had the election turned upon the votes of Massachusetts, they might have been rejected. We will suppose the same thing to happen under the proposed amendment: the votes are returned to the President, who, with or without his Cabinet, discovers that, by counting the votes of Massachusetts, the candidate A has a majority of all the voters; but he rejects the vote of Massachusetts, and no one has a majority of the whole. On the second vote of the Electors, returned to the President of the Senate, B has a majority of all the votes, but the House of Representatives are of opinion that the vote of Massachusetts ought not to have been rejected by the President. Here would be a scene of utter confusion, in which the two Houses would be involved, from which the gentleman from Virginia would find it very difficult to extricate them. A variety of other cases might be put equally perplexing, and equally dangerous. But more danger might be apprehended from another quarter. From the moment the President should determine that the Electors throughout the States must be reassembled, there would commence a scene of intrigue and corruption at each of the four-and-twenty Electoral colleges, such as I hope never will be witnessed in this country. Whenever the electoral votes are opened and counted, it should be by that body alone which is to decide upon the votes, and, in case of no election, to proceed immediately, without separating to choose the President.

The propositions which I have submitted consist of three parts, which may be taken distinctly. The first is the system for districting the States for the choice of Electors and Representatives in Congress, in the form in which it has repeatedly passed in this body. The second is, for submitting the choice of a President, in case of no election by the Electors, to a joint meeting of both Houses of Congress. The third, for limiting the period to which the same person may be eligible to the office of President.

The first is an attempt to bring back, by a Constitutional regulation, the States to a good rule, which they adopted at the commencement of our present form of Government. For the three first Presidential elections, all, or nearly all, the States chose their Electors in single districts, but were induced to swerve from this rule by the instigation of ambitious individuals. Some of the States having adopted the plan of choosing their Electors by general ticket, others were obliged to adopt the same rule in self-defence. In the year 1800, Virginia followed an example which she condemned. But, in doing this, she thought it due to her own character to declare her motives; this is done in the preamble to the act for choosing Electors in general ticket, in which the Legislature say:

"Whereas, until some uniform mode for choosing 'a President and Vice President of the United 'States shall be prescribed by an amendment to 'the Constitution, it may happen, under the law 'of this Commonwealth for appointing Electors 'for that purpose, that a choice may take place 'contrary to the will of a majority of the United 'States, and also contrary to the will of a majori-'ty of the people of the State, which would be 'inconsistent with the true intent and meaning of 'the Constitution of the United States; and al-'though this Commonwealth is willing to accede 'to any reasonable and proper amendment of the 'said Constitution to remedy the evil, yet, foras-'much as it ought, in the mean time, to be coun-'teracted by every Constitutional regulation with-'in the power of the Legislature, until it shall be 'so removed: *Be it enacted*," &c.

As early as the year 1802 this abandonment of principle excited alarm, and the Legislatures of Vermont and New York instructed their Senators and Representatives to use their endeavors in procuring such an amendment to the Constitution as is now submitted to the Senate. These instructions are on your journals of that year. Most of the States have given similar instructions—some of them repeatedly. The amendment has passed the Senate repeatedly by the Constitutional majority of two-thirds, but as yet has not received that attention from the House of Representatives that its importance merits. The time, perhaps, is not far distant when we shall all repent that the opportunity of adopting this amendment has passed by unimproved.

However calmly we may look upon the periodical returns of our Presidential elections, they are calculated to excite alarm in the minds of those who examine critically into the provisions of our Constitution, upon this subject. It is, beyond comparison, the most dangerous operation under our system of Government. A failure in this is fatal to our liberties. While the head of our Govment remains sound, one and indivisible, our system will bear the most violent concussions without danger of dissolution. Do the Judges of the Supreme Court transcend their power, Congress can apply the remedy. Should it be discovered that the Constitution gives to the Supreme Court more power than is consistent with the republican principles of our institutions—this can be tolerated till a remedy can be found in an amendment to the Constitution. Do the States resist the legitimate power of the United States' Courts, or such requisitions of our Government as are warranted by law and our Constitution—patience and forbearance, without resort to force, will afford the remedy. The tendency to cohesion is so strong, while there remains one individual centre of attraction, that the offending States return to a sense of duty—and, although separated for a time by the angry passions or the ambition of turbulent individuals, they return to their ranks, and coalesce in a way to give additional strength to the Union. Even our little attempts at civil war, have resulted in giving additional strength to the arm of Government.

A failure to elect a Chief Magistrate admits of no remedy. No compromise can take place between the friends of the candidate, who knows he has with him a majority of the people and the physical strength of the country, and the friends of the candidate, who, by fraud or by force, by taking advantage of some fault in our Constitution, has placed himself in the Presidential Chair, and availed himself of the advantages of that situation. Civil war is inevitable. The general extent of the Union; the new States we have added to the Confederation, which, under other circumstances, would, by extending the base, give stability to our political fabric, would have a tendency to keep the discordant parts in their proper places, in this case, would have a contrary effect. The centre of attraction being destroyed by division, the parts, by their own weight, would be precipitated to dissolution.

It is of the utmost importance to our safety, that the most exact, precise, and explicit Constitutional regulations, should exist, with respect to every step in the election of a President, and with respect to the exercise and limitation of his power, and yet in nothing is the Constitution so loose, vague, and undefined. A constable of a borough is appointed to office by rules more explicit, more uniform, less subject to change and abuse, than are the regulations for choosing a Chief Magistrate for ten millions of people.

It is universally allowed, and has never been denied, that all the successive steps, in the different States, for electing a President, should be uniform and simultaneous; as, otherwise, the most extensive intrigues may be put into successful practice; and yet we are bewildered in considering the variety of ways in which the details of these elections are conducted; Electors chosen in single districts; double, treble, gerrymandering, irregular districts; general ticket; by the State Legislatures; by concurrent vote; by joint meeting, with or without the assent of the Governors; frequently changing, according to the varying dictates of ambition, passion, or caprice.

The most important point is, that the President should be elected by a majority, and not a minority, of the people. No one should hold that important appointment who has not with him the physical strength of the country. If he have it, all is safe, for the power that has created can protect and defend.

If he have it not, his holding the office is an outrage upon the principles of our Government. It is unsafe for himself and for the country. Shall a strong majority patiently submit to a weak minority, who, taking advantage of the faults in our Constitution, have succeeded in placing their man in the Presidential chair? To presume this, betrays but a slight knowledge of the American character, or, indeed, of the human character.

I will prove that under the present system a little more than one-quarter of the citizens of the United States can, by possibility, elect a President against the residue, consisting of nearly three-fourths; while the mode proposed will afford the nearest possible approach to a fair expression of

the public will, unless, indeed, we resort to a vote by the people at large.

Most of the States now choose their Electors by general ticket, or appoint them by their Legislatures; and all probably will before the next election. As this will afford the parties an opportunity of calculating their strength to a nicety, it will put into operation the most extensive and dangerous intrigues by which a minority may elect a President.

It is evident that, by choosing Electors by general ticket, or by State Legislatures, the minorities in the States respectively, are completely suppressed.

The whole number of Electors is	261
A majority - - - -	131
1. Vermont has - -	7
2. New York - -	36
3. New Jersey - -	8
4. Pennsylvania - -	28
5. Virginia - - -	24
6. North Carolina - -	15
7. Kentucky - - -	14
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A bare majority in the legislatures of these seven States could completely control the Presidential election against the residue of the Union. By this arrangement, the voice of nearly one half of the citizens of those States would be suppressed. But, if those States in which the political parties thus nearly balance each other should be divided into 132 districts, each choosing one Elector, the result would be as fair an expression of the will of those States as could possibly be obtained without resorting to a general vote by the people. The majorities which, under the one plan, would control seven States, would, under the other, do no more than control seven districts, leaving the other 125 districts, upon a calculation of probabilities, to be equally divided between the parties.

If we suppose those States about equally divided between the parties choosing their Electors in districts, the result would probably be that the Electors of the one side would be to those of the other as - - - - - - 66 to 66

If the parties should be to each other as 2 to 1, their Electors would be as - - -	88 to 44
If as 3 to 1, as - - -	99 to 33
If as 4 to 1, as - - -	106 to 26 nearly.
If as 5 to 1, as - - -	110 to 22
If as 10 to 1, as - - -	121 to 11 nearly.

So that one party in these States, with a bare majority over the other, say 10 to 9, could give a more decisive vote for their candidate at a Presidential election under the present system than the same party could do under the district system, even if their numbers were to those of the other as 10 to 1.

When the States abandoned the principle of choosing Electors in single districts, and adopted that of general ticket, they established a system of classification, for the purpose of suppressing minorities. It would be tedious to calculate the effect of this system upon twenty-four States, varying so much as they do in amount of population. But I will endeavor to elucidate the principle by a familiar example. I will suppose this Senate to be composed of forty-five attending members; the question to be decided, the present one, requiring two-thirds to carry it in the affirmative. It is ascertained that, by taking the votes per capita, it would be carried in the affirmative, 30 being for, and 15 against, it. Let the Senate be divided into three classes of 15 each, each class to give one vote. The different combinations which might be formed would be the following:

1	10	10	10	affirmative.
	5	5	5	negative.
2	10	9	11	a.
	5	6	4	n.
3	10	8	12	a.
	5	7	3	n.
4	9	9	12	a.
	6	6	3	n.
5	9	8	13	a.
	6	7	2	n.
6	8	8	14	a.
	7	7	1	n.

These six combinations give unanimous votes in the affirmative.

1	6	9	15	affirmative.
	9	6	0	negative.
2	5	10	15	a.
	10	5	0	n.
3	4	11	15	a.
	11	4	0	n.
4	3	12	10	a.
	12	3	0	n.

These four combinations give majorities in the affirmative as 2 to 1, or as if taken per capita; and, by gaining a single vote from the affirmative to the negative, the question might be carried in the negative as 2 to 1—

1	7	7	15	affirmative.
	8	8	0	negative;

that is, the question would be in the affirmative as 30 to 16, taken per capita. By this classification it would be carried in the negative as 2 to 1.

Let the Senate be divided into five classes of nine each—six combinations will give unanimous majorities in the affirmative. Six will give majorities in the affirmative as 3 to 2; one, a majority in the affirmative as 4 to 1, and one, a majority in the negative as 3 to 2.

Let the Senate be divided into nine classes of five each; the range of votes will be from unanimous in the affirmative to 5 to 4 in the negative.

Let the Senate be divided into fifteen classes of three each, the combinations will be one in the affirmative unanimously.

One in the affirmative as - -	14 to 1
One in the affirmative as - -	13 to 2
One in the affirmative as - -	12 to 3
One in the affirmative as - -	11 to 4
Six in the affirmative as - -	2 to 1
One in the affirmative as - -	3 to 2
And one in the affirmative as -	8 to 7

No possible combination under this classification will give a vote in the negative. Six of the combinations give the same vote as if taken per capita; and three others give nearly the same result. Any gentleman may perceive, from an examination of the tables which I submit, and from which I make these deductions, that, as you increase the number of classes, you in the same ratio increase the probabilities of coming at such a vote as would be given per capita. And as voting for Electors by single districts is the extent to which the classes can be increased, so it will afford the nearest approach to an expression of the public will, such as would be given by a general vote of the people at large.

The Chief Magistrate of the Union should be an officer strictly national. The President of the United States should be pre-eminently the man of the people. No fear of consolidation should ever induce us to adopt principles calculated to give us Presidents of a different character. If all the States had one uniform population; one uniform qualification of voters; one uniform mode of voting, without doubt the most safe, equitable, and republican mode of choosing a Chief Magistrate to administer the Government for all would be by the general suffrage of all entitled to vote, in which all the States, large and small, would have their relative and proper weight.

By the proposed district system, we avoid the difficulties of a vote by the people at large, which, indeed, are insuperable; and, by the most simple operation, arrive, as nearly as possible, at the same result. A President thus chosen, would be a national officer; would be the man of the people. If, under the provision of our Constitution, that each State shall appoint its Electors in such manner as the Legislature thereof shall direct, the Legislatures, instead of directing the mode, shall take the appointment into their own hands, they exercise a power not delegated to them; and this for the purpose of suppressing minorities. If the States choose their Electors by general ticket, the process in most cases is more absurd, and results in the same abuse of the rights of a portion of the people. In small States, where the voters may be supposed to know something of the characters of the candidates, the absurdity of the regulation is not so apparent. But in a large State like New York, with a population of a million and a half of people, scattered over a territory of forty-eight thousand square miles, an election by general ticket for Electors or Representatives must be a mere mockery of what we are pleased to call the sacred right of suffrage.

If the whole thirty-six Electors of that State could be selected from among the distinguished individuals who regulate the affairs of the State at Albany, or from the important personages who figure in the daily papers at the city of New York, the voters would have some rule by which to regulate their course. But this cannot be; the Electors must be taken from the different sections of the State, to be regulated by population and territory, that each portion may be gratified with its proper share of power. The consequence would be, that the voters would know something of three or four of the thirty-six candidates to be voted for; as for the rest, they must vote in the dark—upon trust. The voter must have his direction from the great man of the town; the great man of the town from the great man of the county, and the great man of the county from the great man of the State; and these great men would, in fact, manage the whole concern, while the good natured people would believe that they were cherishing the principles of republican liberty by exercising the sacred right of suffrage.

So far as regards the election of a President, our Government has already assumed the form of an aristocracy. And what is to prevent the same result in the election of Representatives to Congress?

It is said that it is less important that the voter should know the character of the Elector for whom he votes than that of the Representative, because the Elector has but a single act to perform. But, suppose the Elector betrays his constituents in this single act; there would be something worse than a total failure; there would not simply be a vote thrown into the opposite scale. It would be different with regard to a Representative; for, although the voters may be deceived with regard to his character and qualifications, yet it can hardly be conceived that there should be a total failure. As it respects the Elector, his vote must be directly for, or directly against, the interest of his constituents; with respect to the Representative there may be intermediate points. There is, in fact, less reason against a choice of Representatives than of Electors by general ticket.

Already many of the small States choose their representatives by general ticket. In the large States representatives are still chosen in districts; but those districts are often formed in such a way as to suppress, as far as possible, the voice of the minorities, by regulations altogether inconsistent with the principles of republican government. This is an abuse of no ordinary magnitude; but it is not to stop here. Abuses unchecked proceed to the extreme.

Do we flatter ourselves that party violence is at an end; that we are permanently to remain all Republicans, all Federalists? If we do, we deceive ourselves. The same array of parties which for many years distracted our country may not again take place; but, if not the same, certainly a different one, probably more virulent, more sectional, more geographical, more clannish, more inveterate, more dangerous. The process is going on rapidly, even within the walls of this Capitol, that must produce this effect. No one can doubt that parties must necessarily exist in this Government. And although at times they may be split up into small factions, yet the general tendency is to divide into two great interests, the one holding the powers and emoluments of Government, the other struggling to obtain them. The dominant parties in the small States will, as they do, elect their representatives by general ticket, who, although they will represent the whole numbers of both parties, will represent the wishes and inter-

ests of but one. If the minorities could remain without any representation as to their numbers, they would be satisfied; but this boon is not granted to them. They are compelled to be represented by those they consider their political enemies and oppressors.

The dominant parties in the small States will thus array in Congress a force much beyond their legitimate strength. And can this be tolerated by the large States during the storm and tempest of party? Will they, with divided forces, meet the solid columns of the small States? It is impossible. One abuse leads to and sometimes justifies another. When we retaliate, we frequently adopt the measure we condemn from necessity; and this, in times of party violence, will be considered a sufficient excuse for a departure from principle. Such was the excuse of Virginia in departing from her original rule of choosing Electors by districts. And if she shall, in self-defence, adopt a law for electing her representatives by general ticket, we shall probably find her offering her reason for so doing in language such as she used on a former occasion.

The maximum of abuse, under our present system, will be, that the Electors will be appointed by the Legislatures of the States, and the representatives chosen by general ticket. This will be an usurpation on the part of the dominant parties of all the power within their reach, and a total suppression of the voice of the minorities in the States, respectively. The complete control of our elections will necessarily fall into the hands of a few bold, ambitious, persevering intriguers; and our boasted elective franchise will be merged in a hated aristocracy.

Perhaps this circumstance is calculated to make but little impression on those who now form the dominant parties in the United States. It is the folly of majorities to think that they can permanently retain their power. If they would reflect, that, by endeavoring to retain too much power, they may lose all; if they would, while in power, adopt such laws and regulations as they would willingly submit to when that power shall have passed into other hands, they would display a degree of wisdom which they have never yet exhibited, and which, I fear, they never will. If such was the disposition of majorities, I should have but little fear for the success of the present measure.

It is objected to the district system, that it will increase the number of candidates for the Presidency, and, of consequence, increase the chances of throwing the final choice of the President into the House of Representatives. The honorable gentleman from Virginia takes this for granted, but makes no attempt to prove it. All experience proves the contrary. It is true, that, as you increase the number of sections to vote, you increase the number of candidates that can by possibility be voted for. But we ought to calculate the probabilities, not the possibilities, of scattering votes. The more numerous the voters, the more likely to fall into the ranks of the two most prominent candidates. This is peculiarly the case, where the numbers are such as to bid defiance to the powers of calculation and intrigue. All Italy would elect a Pope with less difficulty, and with a less proportion of scattering votes, than would be found in a conclave of Cardinals performing the same duty.

In the State of New York, the scattering votes, on an election for Governor, are not as one to a thousand given to the two prominent candidates, while their House of Representatives spend days in chosing a Speaker.

We have seen the Legislature of Pennsylvania voting from day to day, and from session to session, in order to choose a Senator, while two candidates are supported for the Governmental chair with scarcely a scattering vote; and yet, by possibility, they might have voted for one hundred thousand candidates.

When calculation and intrigue can operate, scattering votes are produced. We have seen nineteen ballots given in our Chamber of Representatives, before a Speaker could be elected—nearly as many for a Chaplain, and I know not how many for an Assistant Doorkeeper.

If we choose Electors by the State Legislatures, there will be twenty-four Electoral colleges, and, of course, there may be twenty-four candidates voted for. If the States be divided into two hundred and sixty-one districts, two hundred and sixty-one candidates may receive votes. If the election should be by the people at large, about two millions of candidates might receive votes; and yet I will venture to say, that, under the latter mode, there would be a smaller proportion of scattering votes than under any other.

In a variety of circumstances, there would be a greater tendency to throw the final election of a President into the House of Representatives, under the present, than under the proposed system.

Suppose it to be ascertained by the great men of New York, Virginia, and Massachusetts, that, calculating upon the known disposition of the State Legislatures, the four States, Pennsylvania, North Carolina, Kentucky, and Tennessee, having sixty-eight Electors, would vote for the New York candidate A. That the six States, Maine, Connecticut, New Jersey, Ohio, South Carolina, and Georgia, having sixty-one Electors, would vote for the Virginia candidate B; and the eleven States, New Hampshire, Vermont, Rhode Island, Delaware, Maryland, Alabama, Louisiana, Indiana, Illinois, Mississippi, and Missouri, having fifty-seven Electors, would vote for the Massachusetts candidate C. New York having thirty-six Electors, Virginia twenty-four, and Massachusetts fifteen—in all seventy-five. Suppose, under such perplexing circumstances, the great men of these States, being the heads of the three parties, should meet to settle the affairs of the nation by way of compromise—would they easily come to an agreement, so as to prevent scattering votes?

Unless New York, Virginia, and Massachusetts, should unite in the same candidate, there could be no election by Electors. But, New York having in favor of her candidate the greatest number of Electors, would not yield to the other States. Virginia could not hope for success, either by Electors

or in the House of Representatives. The States, therefore, in favor of her candidates, would divide their forces between the other two candidates—but, if they should all vote for A, it would not secure his election—while, if one of those States, with Virginia, as Connecticut or New Jersey, should be in favor of C, it would be decisive in the House of Representatives; and thus thirteen States, having eighty Electors, would defeat the residue of the Union, having one hundred and eighty-one Electors. Under these circumstances, Massachusetts would not yield to New York, and the final decision could hardly fail to rest with the House of Representatives. But would there not be a similar tendency, if the Electors were chosen in districts? There would not in the same degree. The candidate having the greatest number of districts, would probably have the greatest number of States. There would be fewer States interested in defeating the election by Electors. A candidate having but one-third of the Electors could not have a majority of the States. Four States could not give sixty-eight votes for the same candidate. The votes of New York, Virginia, and Massachusetts, would be so divided, as to diminish the power of intrigue and combination. It is evident that the power of calculating the means by which the effect so much dreaded may be produced, will frequently lead to that very result. And will it be pretended that any State would lose her favorite candidate, rather than throw the final election into the House of Representatives? Not one.

It is further objected to the district system, that it has a tendency to diminish the power of the great States. But this objection is without the slightest foundation.

When we speak of the power of States, we mean their relative power. It is true that, by the district system, a great State may be divided into parts, but the small adjoining States would probably be divided into the similar parts—their relative power would still be the same, as it was before the division. The whole vote of New York is to that of New Jersey, as thirty-six to eight. Suppose these States to be divided into two or more similar parts, those parts would bear to each other the same ratio of thirty-six to eight. But they may be divided into parts not similar, and to the disadvantage of the large State. The chance, however, is equal, that the disadvantage shall be on the part of the small State.

Suppose the vote for President to be by the people at large, if such a mode were practicable—would not each State have precisely its proper weight? Has any State the ambition to wish for more? And is not the proposed amendment the nearest possible approach to a system of general suffrage; and of course the nearest possible approach to a just distribution of power among the States? So far from diminishing the power of the great States, the proposed system would add to their strength.

The large States are more exposed to be distracted by faction and party spirit, than the small, because the objects to be contended for by the ambitious, are greater in the former than the latter. If, to the objects which necessarily belong to large States, calculated to call forth the most violent party feelings, we add that of giving to the dominant parties the complete control of the Electoral vote—we greatly increase the cause of violence and fury between the parties.

The State of New York gives thirty-six votes upon a Presidential Election—nearly a seventh part of the whole. The difference whether she gives all her votes to the one or the other candidate, is not merely a difference of thirty-six, but of seventy-two. Suppose the parties in that State to be nearly balanced, as has often happened, and may again. The gain or loss of a single county, containing not half of the population of an election district, would turn the scale one way or the other, and give to the successful party the entire vote of the State. Then what bounds could be set to the exertions, the intrigue, corruption, violence, and fury of the contending parties, for the ascendency? The agitation excited by one Presidential election would not subside before the approach of another. A struggle which, under the present system, might gain the entire vote of the State, would, under the district system, gain no more than one or two districts. The object, therefore, not being worth the contest, the struggle would not be made. Taking from the State majorities this dangerous power, would operate as a sedative—would allay the violence of party, which distracts, and truly impairs the strength of the great States.

Pennsylvania is nearly as much agitated on Presidential elections as New York. Virginia has been somewhat quiescent while we have selected our Presidents from among her sons; when we cease to do that, she will also become restive.

Although the district system would not have a tendency to diminish the power of the great States, it would have a tendency to diminish the power of the great men of the great States. But for that consideration the proposed amendment would long since have been adopted. A man, or a few men, possessing the power of wielding the entire vote of such a State as New York, Pennsylvania, or Virginia, would not be easily persuaded to part with that power. It would be a sacrifice to principle hardly to be expected in these times.

The second proposition which I have submitted, will, if adopted, give to a joint meeting of the Senate and House of Representatives the power to count the votes of the Electors, and, of consequence, the power to decide what votes are and what are not to be counted. To decide whether any candidate has a majority of all the votes; and if no one have such majority, to proceed, immediately, by ballot, to choose a President. Upon this subject I advance with great diffidence. It is untrodden, perhaps untenable ground. The principle of choosing officers, by joint meetings of State Legislatures, is as old as our Government; but its application to the election of a President, is new, or appeared so to the committee to whom I first submitted this proposition. I hesitate, because a great Constitutional question requires more consideration than I have been able to bestow upon this; and because

I cannot place entire confidence in my own opinion, until I find it corroborated by the decision of those, to whose talents and long experience we look for aid on questions of great importance and difficulty.

I think, however, the proposition ought to be submitted to the States for their consideration; for, unless, after the fullest investigation, it shall appear beneficial to the Union, it can never receive the concurrence of three-fourths of the States.

The district system may, and ought to be adopted, whether the present proposition shall, or shall not, succeed; but the last without the first would be utterly inadmissible; for, if the joint meeting of the Senate and House of Representatives should be empowered to elect a President under any circumstances, while the Representatives may be chosen by general ticket, the abuse of power would probably be as great as it could be, under the present system of voting by States.

This, it is true, would meet the wishes of the honorable gentleman from Virginia, who is very anxious that the States should preserve their Federal character in electing a President in the last resort, but is not willing they should preserve their Federal character of equality in such election—a principle, however, which I trust will never be abandoned. When the States speak in their Federal character, they speak as equals; when in their national character, their voice or vote is as their numbers respectively. Destroy this principle and the Union is dissolved. The States of Vermont, New York, New Jersey, Pennsylvania, Virginia, North Carolina, and Kentucky, have one hundred and thirty-two Senators and Representatives, a majority of the whole; the majorities of these in the States, respectively, amount to seventy-two. If the majority from each State is to govern the vote of the State, that is, if four votes from Vermont, being in favor of A, the whole seven are to be counted for A; and nineteen votes from New York, being in favor of A, the whole thirty-six are to be counted for A, and so of the rest; it is evident that the President might be elected by seventy-two Senators and Representatives against those of the residue of the Union, amounting to one hundred and eighty-nine. But to extinguish the voice of the Senators and Representatives in this manner, would be deemed an outrage upon the rights of minorities, not to be tolerated. And yet, nearly the same effect is produced if the Representatives of those States are chosen by general ticket, and would be precisely the same if we consider the Senators as Representatives, and chosen in the same way. If the majority in Vermont could elect four and the minority three, the majority of New York nineteen, and the minority seventeen, and so of the rest, is it of any importance to those minorities whether the voice of their Representatives, after they have been permitted to send them on to the Seat of Government, shall thus be suppressed, or whether they shall be prevented from sending Representatives, by a total suppression of their voice, in the first instance, by a general ticket? In each case the abuse of power is the same; in each case the invasion of the Federal principle of our Government is the same. A moment's reflection must lead to the conclusion that the power of electing a President will never be given to this joint meeting, unless the representative members of it shall be elected in single districts. A joint meeting thus composed would represent, as nearly as possible, the power and will of the people of the United States, in their Federal and national character. This body would be, as nearly as possible, analogous to the whole body of Electors to be chosen under the proposed system. The two Houses, in such case, voting as the Electors vote, per capita, would probably enjoy the confidence of the people in as high a degree as the Electors themselves, and might be expected to decide as the Electors would do, if they were assembled at the Seat of Government for that purpose.

This would be a more safe mode than any yet proposed of electing a President; certainly a much more safe mode than that of election in the House of Representatives, by States, in which thirty-one Representatives could elect a President against one hundred and eighty-two.

1.	New Hampshire has Representatives	6,	maj. 4
2.	Rhode Island	2	2
3.	Connecticut	6	4
4.	Vermont	5	3
5.	New Jersey	6	4
6.	Delaware	1	1
7.	Georgia	7	4
8.	Alabama	3	2
9.	Mississippi	1	1
10.	Louisiana	3	2
11.	Indiana	3	2
12.	Illinois	1	1
13.	Missouri	1	1
	Majority of all the States	45	31

Thirty-one Representatives, being majorities of the Representatives of thirteen States, could elect a President.

This, it must be confessed, is a dangerous power on the part of the small States; more dangerous to themselves than to the large States. A resort to the House of Representatives, on such an election, must be dreaded by all. We have had but one instance of it; that filled the country with alarm. Dangerous, however, as this power may be, it is not much more so than the power of combination under the present system, by which the bare majorities in seven States can control the Presidential election against the rest of the Union. This circumstance excites no uneasiness in the mind of the honorable gentleman, because this abuse can only be put into practice by the large States. He even thinks those States should have this power, that, by an understanding and arrangement with each other, they may always prevent the election of a President from devolving upon the House of Representatives.

The opportunities of suppressing minorities, and procuring the election of a President against the will of a majority of the people of the United States, may occur every four years, while the circumstance of reference to the House of Repre-

sentatives has happened but once in five and thirty years, and which we all pray may never happen again; and which would not then have happened but for the law of Virginia repealing the district system in that State. But for that law, Mr. Adams and Mr. Pinckney would have had a majority of all the votes, and Rhode Island had taken care to give one more vote for Mr. Adams than Mr. Pinckney.

The small States will consider the adoption of that proposition as a relinquishment of a portion of their power. But to give up a power which cannot be exercised with safety, is not yielding an important point. A portion of this power was yielded up by the small States when they agreed to the amendment for designating the Electors of President and Vice President. This should not be forgotten. The advantage now possessed by the small States against the large, of choosing a President in the last resort, is not at all greater than that possessed by the large States, in choosing Electors. In both cases the power is calculated to defeat the will of a majority of the people of the United States. The safety of the Union demands a mutual concession of these powers. I believe it is the only ground upon which those who fear an abuse of power in the small, and those who fear the same thing from the large States, can ever meet. But, to presume that this concession will be made on the part of the small States alone, after what they have done, is presuming upon what never will and never ought to take place.

I have now arrived at my last proposition, that no person, having been twice elected President of the United States, shall be again eligible to that office. This, I think, must succeed, even if the other two shall fail. In favor of this, we have a strong expression of the public will, from the earliest period of our Government.

In the Federal Convention, Mr. Randolph, of Virginia, submitted a proposition that the President should not be eligible a second time; the term of service then proposed was seven years. This proposition was afterwards adopted, eight States being in favor of it, one against it, and one divided. The proposition of Mr. Patterson, of New Jersey, contained a similar provision.

August 6th, 1787, a committee of the Convention reported a draught of the constitution, with this provision; but one month after, another committee reported amendments to that draught, in which this provision was omitted. A plan of a constitution had been previously submitted by a delegate from New York, proposing to have a chief executive during good behaviour, or for life, which would have been an elective monarchy. The plan adopted by the Convention was a middle course, between the two projects. But the friends to a President for life, or elective monarch, calculated that they should ultimately succeed—that the President would be elected from term to term for life, and that this would gradually grow into the principle they wished to establish. All history, except our own, will justify this conclusion.

That no limitation was placed to the term of service of the President, gave great dissatisfaction at the time. In the amendments proposed by Virginia at the time of ratifying the Constitution, we find this: No person shall be capable of being President of the United States for more than eight years in sixteen.

North Carolina proposed the same amendment.

New York proposed that no person should be eligible to the office of President of the United States a third time.

Our Chief Magistrates have shown a disposition to yield to this principle—they have, by their example, given it something like the force of law—a law, however, which would not impose the slightest barrier to the views of an ambitious President, who might be persuaded by his friends that the public interest would suffer by his retiring from office.

Our Presidents, although they have clearly evinced a determination to retire from office after eight years' service, yet have not retired until they had arrived at the age of sixty-four or sixty-five, at which age, it is to be hoped, ambition begins to subside. Younger Chief Magistrates would not easily perceive that the precedent of retiring at the end of eight years could exactly apply to their cases. They would rather conclude that the precedent would warrant them in retaining the office until they should arrive at the age of sixty-four or sixty-five.

In many of the States the periods to which their Governors can be elected are limited by their constitutions; and it should be so in all; yet the President, with his immense patronage, and with the command of the Army of the United States, is left without such a salutary limitation. The broad road to monarchy is left open by those who formed our Constitution, by neglect or by design.

Any person is eligible to the office of President, who is a natural born citizen, or citizen at the time of adopting the Constitution—thirty-five years old, and a resident of the United States fourteen years before the election.

A General at the head of our Army may be a candidate for the Presidency.

In Rome, the Consular power was divided between two, each a check upon the other; the term of service limited to one year; no one could be elected Consul under the age of forty-two; and no one could sue for the Consulship, unless personally present, and in a private capacity. This last regulation was one of great importance, and while strictly observed secured the liberties of that Republic. But Pompey, unfortunately for himself and his country, consented to a law, by which Julius Cæsar was permitted to sue for the Consulship, while absent and at the head of a powerful army. And Cicero lent the aid of his eloquence in favor of this law. Pompey was among the first to feel the effects of his folly. He endeavored, when too late, to counteract the measure he had adopted. He was overwhelmed and destroyed, and the liberties of his country forever lost.

Although I would not adopt all the maxims of

Roman jealousy, I would adopt some of them; that especially, which should limit the power of the first officer in the Government.

A proposition for establishing an elective monarchy was submitted to the Federal Convention, without meeting with any marked reprobation Too much of the same spirit, I fear, still remains, which ought to be counteracted—ought to be suppressed, before some accident shall give new vigor and impulse to its dangerous tendencies.

When Mr. D. had concluded—

Mr. HOLMES, of Maine, rose, and adverted to the difficulties which stood in the way of any amendment whatever of the Constitution—having first to be approved by two-thirds of both Houses of Congress, then by the Legislatures of two-thirds of the States, amounting to eighteen in number; but notwithstanding these discouraging obstacles he observed that there was a defect in the Constitution not heretofore touched on or pointed out by any of the gentlemen who had spoken on the subject, which might be productive hereafter, if not remedied, of the greatest mischief; he referred to the want of some rule in the Constitution to provide for the occurrence of a contested election for the office of President of the United States. The Constitution had pointed out a mode of election, in case a majority of the electoral votes were not given to any one person —this mode was an election by the House of Representatives; but, suppose circumstances should arise in this last resort, which should create a disputed and an unsettled election, we should, in such a case, said Mr. H., be at sea in a tempest, without chart or compass, and this defect may prove to be a rock, if not removed, on which the liberties of this country may be wrecked. Under this impression, discouraging as was the prospect of the adoption of any amendment, he was induced to offer one, which he would take another opportunity of discussing, as well as the other propositions on the same subject before the Senate. Mr. H. then submitted the following as an amendment to the original resolution:

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, two-thirds of both Houses concurring therein, That the following amendment of the Constitution of the United States be proposed to the Legislatures of the several States, which, when ratified by three-fourths thereof, shall be valid as part of said Constitution:

Questions of the validity of the election of President, or of the proceedings therein, shall be determined by the members of both Houses in joint meeting. The President of the Senate shall preside, and a majority of the members of each House shall constitute a quorum in such meeting. The rules of proceeding therein shall be prescribed by law; but no alteration of those rules shall have effect until two years after it shall have been made.

Questions of the validity of the election of Vice President, or of the proceedings therein, shall be determined by the Senate. The rules of proceeding therein shall be prescribed by the Senate; but no alteration of those rules shall have effect until two years after it shall have been made.

This proposition was ordered to be printed; and the Senate adjourned.

WEDNESDAY, February 12.

Mr. LOWRIE, from the Committee on Finance, to which was referred the Message of the President of the United States, transmitting a resolution of the Legislature, with an extract of a letter from the Governor of Georgia, relative to the extinguishment of the Indian title to lands within the limits of said State, made a report, which was read, and laid on the table.

Mr. LOWRIE, from the same committee, to which was referred the Message of the President of the United States, transmitting a memorial of the Legislature of Missouri, relative to the extinguishment of the Indian title to lands within the limits of the said State, made a report, which was read, and laid on the table.

Mr. LOWRIE, from the same committee, to which was referred the memorial of the Legislature of the State of Alabama, praying that a law may be passed, requiring a treaty to be held with the Cherokee nation of Indians, for the purchase of so much of their territory included within the limits of the State as lies west of Wellstown Valley, east of the boundary lines of the counties of Morgan, Blount, and St. Clair, and south of the Tennessee river, made a report, which was read; and, in concurrence with their request, the committee was discharged from the further consideration of the subject.

Mr. VAN DYKE, from the Committee on Public Lands, to which was referred the memorial of the Legislature of the State of Alabama, praying Congress "to take into consideration the case of 'such persons as became purchasers of public 'lands after the time of issuing the Mississippi 'stock, and who had made full payment prior to 'the passage of the relief law, and to allow them 'the deduction of thirty-seven and an half per 'cent. allowed to those who were in arrears to 'Government, or to make them such other allow-'ance as they may be entitled to in right and jus-'tice," made a report, accompanied by a resolution, that the prayer of the memorial ought not to be granted.

Mr. LANMAN presented the petition of John Wheelwright, praying a divorce. The petition was read, and referred, together with the accompanying documents, to the Committee on the District of Columbia.

The bill to regulate the commercial intercourse between the United States and certain British colonial ports, was read a third time, and passed.

The bill for the relief of Eleanor Lawrence was read a third time, and passed.

A message from the House of Representatives informed the Senate that the House have passed the bill, entitled "An act to divide the State of South Carolina into two judicial districts," with amendments, in which they request the concurrence of the Senate.

MECHANICS' BANK OF ALEXANDRIA.

The Senate then resumed the consideration of the bill to renew and extend (to the year 1836) the charter of the Mechanics' Bank of Alexandria.

On this bill an earnest debate took place, which occupied the Senate until past four o'clock, embracing almost entirely an investigation and discussion of facts relating to the management and condition of the institution.

The extension of the charter was opposed by Messrs. EATON, TAYLOR, of Virginia, and LLOYD, of Massachusetts, on various grounds, but chiefly for the reasons that it had not, at its formation, a solid capital, that it was now in a condition, nearly, if not quite insolvent; that thus situated it would be an injury to the community to extend its capacity to issue notes—that there was no necessity for more banks in the District, but if there was, they ought to be solid and solvent, &c.

Mr. SOUTHARD and Mr. BARBOUR, (members of the committee to which an examination into the circumstances of the bank and the charges alleged against it had been referred) replied repeatedly and at considerable length, to the objections which had been urged to the bill—controverting the facts alleged against it, and the reasons as to the expediency of renewing the charter—arguing that this bank was in as good a condition as the others, which had been rechartered, that justice and equity demanded that this institution should receive the same measure of favor as the others, &c., &c.

Mr. SMITH, of Maryland, had been opposed to renewing this charter, but an examination of the facts and an attention to the debate had changed his mind, as he found that this bank had more specie in its vaults, than the whole amount of its notes in circulation and its deposites, united, and therefore, it was, he thought, in a better condition than any other bank he knew of now or had ever known in the United States. He spoke at some length and repeatedly.

Mr. D'WOLF made also some remarks, the purport of which was, that he deemed banks an evil, and that he believed the only mode of working a cure, was to charter all that asked it; it would thus be shown to the community that the Legislature did not grant charters as a mark of confidence or credit in those institutions, but merely to enable them to plead, sue, &c., and the public would, therefore, give them no more credit than they deserved, &c. Messrs. VAN DYKE, CHANDLER, and HOLMES, of Maine, made some incidental remarks.

The Senate rejected a motion to recommit the bill, to inquire further into certain facts—ayes 16, noes 19; and rejected a motion to adjourn; but, an unsuccessful motion being afterwards made by Mr. EATON, to amend the bill, before the question was taken on its third reading, about half-past four o'clock, the Senate adjourned.

THURSDAY, February 13.

Mr. RUGGLES, from the Committee of Claims, to which was referred the memorial of Robert Abbott, made a report, accompanied by a bill for the relief of the heirs of Johnston Blakely. The report and bill were read, and the bill passed to the second reading.

On motion, by Mr. RUGGLES, the Committee of Claims, to which was referred the memorial of William Gamble, were discharged from the further consideration thereof.

Mr. NOBLE, from the Committee on the Militia, to which was referred the bill, entitled "An act to provide for clothing the militia when called into the service of the United States," reported the same, without amendment.

Mr. SEYMOUR presented the petition of John Rogers, a Cherokee chief, praying the payment of his demands against the United States. The petition was read, and referred to the Committee of Claims.

Mr. KING, of Alabama, presented the petition of James D. Draughan, legal representative of Robert H. Draughan, deceased, praying that a quantity of staves, obtained from a quarter section of land since forfeited to the United States for non-payment, may be exempted from seizure and forfeiture. The petition was read, and referred to the Committee on Public Lands.

Mr. BARBOUR called up the memorial of sundry justices of the peace and inhabitants of the District of Columbia, heretofore presented, against any alteration in the laws for the collection of debts in said District; and, on motion, it was referred to the Committee on the District of Columbia.

Mr. VAN DYKE, from the Committee on Public Lands, to which was referred the memorial of a number of the inhabitants of the State of Illinois, praying that relief may be extended to those purchasers of public lands who had paid for the same prior to the passage of the act of Congress by which the price of public lands was reduced, made a report, accompanied by a resolution, that the prayer of the memorialists ought not to be granted.

The Senate resumed the consideration of the report of the Committee on Public Lands, to which was referred the memorial of the Legislature of the State of Alabama, praying Congress "to take into consideration the case of such persons as became purchasers of public lands after the time of issuing the Mississippi stock, and who had made full payment prior to the passage of the relief law, and to allow them the deduction of thirty-seven and a half per cent. allowed to those who were in arrears to Government, or to make them such other allowance as they may be entitled to in right and justice;" and, in concurrence therewith, resolved, that the prayer of the memorial ought not to be granted.

The Senate proceeded to consider the amendments of the House of Representatives to the bill, entitled "An act to divide the State of South Carolina into two judicial districts." Whereupon,

Resolved, That they concur in the said amendments, with the following amendment:

Strike out "Lawrence," and insert *Laurens*.

On motion, by Mr. SEYMOUR, the Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act to amend an act, entitled 'An act further to regulate the entry of merchandise imported into the United States from any adjacent territory,'" together with the amendments proposed thereto; and, on his motion, the bill, together with the proposed amendments, were referred to the Committee on Finance.

The bill for the relief of the heirs of Don Hariin de la Cautrais was read the second time.

The bill to commute the pension of Lieutenant Alfred Flournoy was read the second time.

The resolution proposing an amendment to the Constitution of the United States, in relation to internal improvement, was read the second time.

The bill, entitled "An act for the relief of Abraham Snyder;" the bill, entitled "An act for the relief of James Hyde;" and, also, the bill, entitled "An act for the relief of James Rees, of New York, one of the sureties of Joseph H. Rees, deceased, late assistant deputy paymaster general in the service of the United States," were severally read the second time; and, on motion, they were respectively referred to the Committee of Claims.

Mr. SMITH, of South Carolina, from the Committee on the Judiciary, to which had been recommitted the bill, in addition to the "Act for the prompt settlement of public accounts," and for the punishment of the crime of perjury, reported the same with sundry amendments; which were ordered to be printed.

MECHANICS' BANK OF ALEXANDRIA.

The Senate resumed the consideration of the bill to extend the charter of the Mechanics' Bank of Alexandria.

Mr. EATON (having since yesterday received some additional information on the subject) spoke again at considerable length against the bill. Mr. TAYLOR, of Virginia, also made some further remarks against its passage. Messrs. BARBOUR and NOURSE severally advocated the bill at much length, replying to Messrs. EATON and TAYLOR. Mr. LOWRIE also assigned the reasons why he should vote for the bill.

The question being finally taken on ordering the bill to be engrossed, and read a third time, it was decided in the affirmative, as follows:

YEAS—Messrs. Barbour, Benton, Brown of Louisiana, Brown of Ohio, Chandler, D'Wolf, Elliott, Holmes of Maine, Johnson of Kentucky, Johnson of Louisiana, Knight, Lanman, Lloyd of Maryland, Lowrie, Morril, Palmer, Parrott, Ruggles, Seymour, Smith of Maryland, Smith of South Carolina, Southard, Stokes, Thomas, Ware, and Williams of Tennessee—28.

NAYS—Messrs. Barton, Dickerson, Eaton, Findlay, Gaillard, Kelly, King of Alabama, King of New York, Lloyd of Massachusetts, Macon, Mills, Taylor of Indiana, Taylor of Virginia, Van Buren, Van Dyke, and Williams of Mississippi—16.

AMENDMENT TO THE CONSTITUTION.

The Senate then resumed the consideration of the resolution of Mr. TAYLOR, of Virginia, proposing an amendment to the Constitution of the United States in relation to the election of President of the United States, together with the amendments offered thereto by Mr. DICKERSON and Mr. HOLMES, of Maine.

Mr. HOLMES, of Maine, rose and addressed the Chair as follows:

Mr. PRESIDENT: This building which we occupy is a fit emblem of the Government under which we live. At one end is the Chamber of the House of Representatives, resembling that branch of the Government. Its strength, splendor, and magnificence, indicate the union and sovereignty of the people. It is placed in the South, implying heat, and intimating thereby that it is to be expected from this branch of the Government. The opposite wing is an emblem of the Senate. It is in the North, implying coolness, deliberation, and wisdom. The exterior construction is strong, firm, and apparently permanent. But the interior is encroached upon, and undermined by the room occupied by the Judiciary; the fabric begins to crack and give way, and there is some danger of its overthrow. God grant that this may not be strictly emblematical of the Senate, the representatives of the sovereignty of the States. Between these, connecting and yet towering above them, is the Centre Building, impressive emblem of Executive power. Its imposing structure, immense form, lofty turrets, and magnificent dome, conspire to diminish and sink the wings in the beholder's eye. From the East is to project a splendid portico, showing that the Executive will extend in that direction far beyond the reach of the Legislature, in directing our Navy upon the ocean, and in our negotiations with foreign Powers. The whole body of the building projects far to the West, intimating that, at some far distant day, the Executive arm will be almost exclusively felt by the colonies, tribes, people, and nations, which will occupy and inhabit those immense and immeasurable regions. But the Centre Building is yet in an unfinished state. This indicates that Executive influence and grandeur is still progressing; and, as I shall attempt to show, that the amendment under consideration is necessary to direct, correct, regulate, and restrain it.

My proposition to amend the amendment proposed by the gentleman from New Jersey (Mr. DICKERSON) contains a provision not embraced by either of the amendments under consideration. These propose to modify the election of President, in the first and last resort. This makes provision for a contested election. The Constitution, as it is, has provided for the case of no election by the people, transferring it to the House of Representatives, to be determined by States; but it has never contemplated the case of a contested election of President or Vice President. My amendment is connected with, but not repugnant to, either of the other propositions. In discussing it, however, I shall deem it necessary, in expressing my prefer-

ence for the proposition of the honorable member from New Jersey, to suggest some objections to that of the gentleman from Virginia, (Mr. TAYLOR.)

His plan, in substance, is this: In case of no election, the President is to send back to the Electoral Colleges the two highest candidates that they may designate, and, if they fail in this, the Senate and House of Representatives are to elect from such candidates. An objection which strikes me with considerable force, is the agency of the President himself in this business. The votes are to be returned to him, and he is to open, count, and proclaim them. In case of no choice, he is to notify the fact, designate the two highest members on the lists, and call upon the Electors to decide between them. Every second term he is probably a candidate for re-election. He determines, in the first instance, whether there is a choice or not. It would not be surprising, if questionable votes should be returned. Indeed it would be singular if this should not, in many instances, be the case. The qualification of the Electors, the correctness of their proceedings, the certainty or genuineness of the returned lists, will often present questions for investigation and decision. And in whom is this discretion to be vested? In a tribunal intelligent and capable, but by no means impartial. Such is the frailty and treachery of the human heart, that very few can be found qualified to decide in their own cases, even in the most trifling concerns. How much greater the danger, then, when so much is at stake! If Kings and Emperors reach the throne by trampling on the rights, and wading through the blood of their people, what must be the temptation to become the chief of a free people! The object is imposing, impressive, and sublime; and the temptation to achieve it tends strongly to lure the aspirant from the line of honesty, and the path of the Constitution. *He* to decide whether an election is made, and who is chosen! Should he pronounce no choice, when there is one in fact, the Electors are made to vote again, and what tribunal is to determine whether the first or second list is to be received? But, if he declares an election when none has been made, where is your remedy then?

Unfortunately, the Constitution has made no provision to settle the question of a contested election of President. The votes are to be returned to the President of the Senate, are to be opened in the presence of both Houses, and the votes are to be counted. The person having a majority, is to be declared the President. But who is to preside in this joint meeting? By whom are the votes to be counted and declared? and if the counting or declaration should be contested, how is it to be determined? Perhaps no three gentlemen who hear me, would agree in their answers to these questions. The honorable gentleman, nevertheless, proposes to increase the probability of the recurrence of these cases, without prescribing a remedy—and to leave it in part for the President to determine upon his own election.

But, a reference again to the Electors, would be fraught with other inconveniences. The office of an Elector is finished, by making the election. He has no further responsibility, and he retires and mingles with the mass of the community. He holds no other trust from the people, which he might lose from a fraudulent or corrupt vote. The Constitution has wisely provided that all the Electors shall meet on the same day; and the law, with equal wisdom, has fixed the day as soon as possible after their appointment. It was intended to exclude the possibility of approach. But, adopt this amendment—the failure upon the first trial, and the vote which each Elector gave, will be instantly known in every corner of the United States. Before, or when, they shall re-assemble, the attempts at management will begin; with what probability of success, let those who judge of human nature, *as it is*, determine. There is even less danger, should the election come to the House of Representatives. Your Representatives then become your Electors. But this is not their only office. They have other duties, higher trusts, and further responsibilities. Should one be successfully approached, detection is more probable, and its effects would be to blast all his political prospects. Dangerous as I deem an election by the House of Representatives, I should fear it less than this second struggle before the Electors.

But, sir, I object further to the principle of the honorable gentleman's amendment. He proposes to diminish the relative powers of the small States, in the last resort, without an equivalent. These have now a vote equal to the largest, if the election comes into the House. The proposed second trial reduces the probability to a mere possibility; but, should the case ever occur, the voices of the smaller States are even then to be swallowed up in a general voice of the convention of both Houses.

The amendment proposed by the honorable gentleman from New Jersey (Mr. DICKERSON) gives this equivalent. By districting the several States, for the choice of Electors, he increases the power of the small States in the *original*, and reduces it in the *final* vote. As the case now is, the large and small States may be considered as large and small electoral districts. Were you to have no parties, it would be of little importance. But these you must have. The election of President will always be contested. There will be two or more candidates, and consequently, their adherents will constitute two or more parties. A large State may throw her whole electoral ticket for one candidate, by the merest majority. The three large States lying contiguous, might combine, to produce the same effect on a larger scale. Eighty-eight electoral votes might be given, by such a combination, against the will of nearly one-half the population of these States, whose voice would not be heard at all in the election. A combination of this sort, and to such an extent, among the small States, is impossible. Their influence is, therefore, diminished, for the want of an unity of action; and the large States are constantly succeeding, at their prejudice and expense.

The truth is, that the large States, in their zeal to accomplish their object, have perverted the Constitution. The Electors were to be appointed

in such manner as the Legislature of the State should *direct*. This direction was to be given by the Legislature, as other legislative acts. The framers of the Constitution never could have imagined that, because the State Legislatures have the right to direct it to be done, they would have claimed the right to do it themselves. The votes from Massachusetts, therefore, mentioned by the honorable gentleman from New Jersey, might have been the subject of contest had they affected the result. The case was this: The members of the Legislature wished to appoint the Electors themselves, but no act or resolve had been passed for this purpose, and, as parties were nearly equal, none could be passed without the consent of the Governor. It was known that the Governor considered this appointment, by the Legislature, as unconstitutional. To surmount this difficulty, the two Houses *directed themselves*, and appointed the Electors.

In addition to this usurpation of the large States, the operation of the Constitution has been constantly against the small. Two Electors were given to each State over its number of Representatives, to preserve, in some measure, its federative equality in the election of President. When the Constitution was adopted, this federal voice bore a proportion to the popular voice of twenty-six to sixty-five. It now bears a proportion of only forty-eight to two hundred and sixty-one. So that, while the federal voice has not yet doubled, the popular voice has more than quadrupled.

This is not all. The relative strength of the small States is constantly diminishing, both in the original and final vote.

At the adoption of the Constitution the number of Electors was ninety-one, of which Rhode Island and Delaware had each three, or one-thirtieth of the whole vote, and one-thirteenth in case the election came to the House. Now, notwithstanding the representation of Rhode Island is doubled, their relative influence stands thus: Rhode Island one sixty-fifth, and Delaware one eighty-fifth, in the original, and each one twenty-fourth in the final election. While New York, which originally stood at one-eleventh, has since arisen to one-seventh of the electoral votes. There is, moreover, another advantage which obtains in the large States, by which that of two additional Electors is greatly diminished. In the apportionment of Representatives, it is to be among the several States. After fixing the ratio, and dividing them among the several States, a surplus or fraction is left in each. A compromise of these fractions was once attempted; that is, if the fractions in two or more adjacent States would amount to the requisite number for a Representative, such a Representative might be assigned by Congress, at its discretion, to one of those States. The bill was rejected by President Washington, on the ground of its unconstitutionality, and every State is, consequently, obliged to lose its own fraction. This fraction is as likely to be large in a small as in a large State. I will illustrate this by a single example: All the New England States, except Massachusetts, with New Jersey and Delaware, are entitled to thirty-three Representatives, and New York alone to thirty-four. The fraction, in those seven States, would entitle them to four additional Representatives; or their aggregate population would entitle them to thirty-seven; so that, although these States gain, by the federative principle, twelve Electors over New York, they, at the same time, lose four by this operation of the fractions.

A unity of action will always operate in favor of the large States. The members of the local government, the officers of the United States combined with other leading and influential men, might present a general ticket to the people, which it would be impossible to resist, and which would entirely silence a large and respectable minority. In the small States this influence is necessarily divided. Local prejudices and attachments, State pride, a thousand personal and other considerations, would prevent this unity of action.

The influence of a large State over a small one is not dissimilar to that of a rich and intelligent man over his poorer neighbors. From dependence or interest, it usually happens that the weak are induced to yield to the will of the strong. The wealth, liberality, and inducements to ambition in a large State, lure into it men of talents, popularity, and influence. These create a power which is felt with effect in the neighboring States.

The large States can, moreover, act in concert with much effect. Three large States in the midst of the rest, might easily combine an influence which it would be difficult to resist. And when it is considered that these might give their united weight, by mere tyrannic majorities, against large, intelligent, virtuous, republican minorities, it becomes us to look round us for a remedy. That of the honorable gentlemen from New Jersey is, perhaps, the best. This gives you a President by the voice of the nation. The minority in each State is heard as well as the majority; and, although State influence cannot, in this case, be effectually controlled, it is in a great measure diminished.

The honorable gentleman from Virginia spoke allegorically of great men and a great white house. Let me view the States under a different figure. Thirteen families commenced the settlement of a village or town; four of these were rich and powerful, and their plantations were large and valuable, and they had many servants and members of their families. Others held their lots in different places, some large and some small. One of these four, whose situation was most to the South, was remarkable for his intelligence and policy. He was descended from illustrious parents of whom he inclined to boast. He managed his affairs with great prudence and skill, taught his servants and his household how to be useful at home, and popular in the village, and never forgot to boast of their qualifications among his neighbors. Two of the great estates lay adjoining his; although these families were rich and powerful, yet their contentions and contumacy of their servants had in some measure impaired their influence in the village. The most northerly

great man had once his full share of control; but he was too perplexed and disturbed by family strife, and a truant son had demanded his patrimony and received it. These things combined, had diminished his influence and reduced him to a common standing with the rest of his neighbors. At length these great men began to play into each other's hand. He of the South, would take care to prepare one of his own servants for the most honorable employments in the village. To pacify his most powerful neighbor, he would propose to him that he should furnish a servant of the second grade. New families came in and occupied the vacant grounds reserved for them, and the number was increased to twenty-four. These being strangers, and having occasion for all their resources to commence in the cultivation of their farms, had little influence, and left the general concern to be managed by these powerful and distinguished families. It soon resulted that the poor and the new families, for want of concert, intelligence, and resources, were obliged to give up all control and submit to the will and dictation of wealth and power.

But, as much as I could complain of the power of the large States, in the original election, I find great fault with that of the small States, in the House of Representatives, in the last resort. This amendment gives a remedy in both cases. At the time the Constitution was adopted there were but two which might be denominated small States. Now there are eight; three which give, each, five Electors, and three Representatives; one, four Electors and two Representatives; and the other four, three Electors and one Representative each; making, in these eight States, thirty-one Electors, of 260; and fifteen Representatives, of 212. Yet, as two-thirds of the States constitute a quorum in the election of President, these eight States, being one-half of the two-thirds, might, with their fifteen Representatives, prevent an election.

A course of measures might be adopted, which, in most cases, would bring the election into the House, A State has some favorite, whom it would not be difficult to convince that he was fit for the Presidency. He is first to be honored with a State nomination. Other States follow the example, and adhere tenaciously to their own favorites. The people of the States become pledged, and will pledge their Electors. Local attachments grow every day stronger, and these become more fixed by zeal and irritation. The small States foment and encourage this division. The middling States are indifferent; no one candidate obtains a majority, and the election goes into the House. Here, a scene will be presented, disgusting and alarming. Twenty-four votes, thirteen necessary to a choice, and Illinois with one—balancing New York with thirty-four Representatives. The election might devolve on a single State, having a single representative. Such a trust, to rest in a single individual, would be felt and assailed by the candidates and their friends. If the trust should not be abused, its execution would be attended with distrust, suspicion, and jealousy; the public would be irritated, dissatisfied, and distracted, and the Administration thus created would be without energy, concert, or confidence.

The proposed amendment, however, avoids that danger. It takes away the inducements to carry the election into the House, because, the last election is in coincidence with the first, and the relative voice of the States is the same.

But, without the amendment which I have had the honor to propose, that of the honorable gentleman from New Jersey is still deficient. He has provided for the original, and, in case of failure, the ultimate election. But he makes no provision for a decision of the question, whether an election has or has not been made. The Constitutional qualifications of the candidate—Is he a citizen of the United States? of the requisite age? were the Electors ineligible by holding offices under the United States? did they meet on a day different from the rest, or from the one prescribed? are these returned lists genuine, or are they altered or forged? These are questions which will, at some period, be agitated, and which the Constitution provides no tribunal to determine. My amendment goes to constitute such a tribunal, to consist of the Senate and House in joint meeting. The President of the Senate is made the presiding officer, the rules of proceeding are to be prescribed by law, but no alteration of them is to take effect until two years after it is made.

To require that the rules of proceeding in a contested election should be prescribed by an act of Congress, and not be altered until two years, is giving the exposition of those rules to a different Congress from that which made them, and prevents an unlimited exercise of discretion in determining the case of a favorite candidate. At the last election, the votes of Missouri were returned, though Missouri had not, in fact, been admitted into the Union. Upon counting the votes, a question was made, and discussion attempted, whether these votes should be counted. But we soon discovered the awkwardness of our situation. No officer to govern the debate, no rules of proceeding, nor of decision, confusion was about to commence: and the Senate, to avoid it, rose up, and, in a very dignified manner, returned to their own chamber. Had these votes of Missouri determined the election, it is impossible to conjecture what would have ensued. An event which has happened, and which is so likely to happen, should be provided for. Ambitious schemes and angry passions will be found to operate in a contest of such magnitude. The patronage and power of this office have, and perhaps always will, create a struggle. State pretensions, State nominations, local jealousies, will be encouraged to effect the designs of particular candidates. It is, I fear, the rock on which the Republic is one day to be wrecked. In due time, in good weather, we should define its position and extent, and point out its dangers. When the tempest comes, this will be too late.

When Mr. H. had concluded, the resolution and amendments were postponed to Monday next; and the House adjourned.

FRIDAY, February 14.

On motion, by Mr. RUGGLES, the Committee of Claims, to which was referred the bill, entitled "An act for the relief of Abraham Snyder;" and, also, the bill, entitled "An act for the relief of James Hyde," were discharged from the further consideration thereof, and they were respectively referred to the Committee on the Judiciary.

Mr. LLOYD, of Massachusetts, presented the petition of a number of merchants, masters of vessels, and others, praying the erection of a light-house at the southern extremity of Cape Cod. The petition was read, and referred to the Committee on Commerce and Manufactures.

Mr. BENTON submitted the following motion for consideration:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of making an appropriation to enable the President of the United States to take and retain possession of the territories of the United States, on the Northwest coast of America.

Mr. BARBOUR, from the Committee on the District of Columbia, to which was referred the bill, entitled "An act to extend the jurisdiction of justices of the peace in the recovery of debts in the District of Columbia," reported the same without amendment.

Mr. LLOYD, of Massachusetts, from the committee to which was referred the bill, entitled "An act supplementary to, and to amend, an act, entitled 'An act to regulate the collection of duties on imports and tonnage,' passed 2d March, 1799, and for other purposes," reported the same, with amendments, which were read; and, on motion by Mr. LLOYD, the amendments were ordered to be printed for the use of the Senate, and the bill and amendments postponed to and made the order of the day for Monday next.

On motion, by Mr. BENTON, the Senate resumed the consideration of the motion of the 10th instant, for instructing the Committee on Indian Affairs, in relation to a certain Indian treaty, and agreed thereto.

The Senate resumed the consideration of the report of the Committee on Public Lands, to which was referred the memorial of a number of the inhabitants of the State of Illinois, praying that relief may be extended to those purchasers of public lands who had paid for the same prior to the passage of the act of Congress by which the price of public lands was reduced; and, in concurrence therewith, resolved, that the prayer of the memorialists ought not to be granted.

The bill for the relief of the heirs of Johnston Blakeley was read the second time.

On motion, by Mr. EATON, the Senate resumed, as in Committee of the Whole, the consideration of the bill to amend an act, entitled "An act for ascertaining claims and titles to land in the Territory of Florida," approved the 8th of May, 1822, and, the same having been amended, it was reported to the House; and the amendment being concurred in, the bill was ordered to be engrossed and read a third time.

The bill to extend the charter of the Mechanics' Bank of Alexandria, in the District of Columbia, was read a third time, and passed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of Joseph Forrest; and the further consideration thereof was postponed to and made the order of the day for Monday next.

The following Messages were received from the PRESIDENT OF THE UNITED STATES:

To the Senate of the United States:

In compliance with a resolution of the Senate, of February 3d, requesting a statement of the number and size of cannon, mortars, and howitzers, necessary for the armament of the fortifications already built, and intended to be built, with an estimate of the sum necessary for their construction, I transmit a report from the Secretary of War, prepared in execution of instructions given him to that effect.

JAMES MONROE.

FEBRUARY 10, 1823.

To the Senate of the United States:

In compliance with a resolution of the Senate, of the 11th of this month, requesting the President to cause to be communicated to the Senate an estimate of the amount of land in the State of Georgia to which the Indian title has been extinguished by the United States, since the cession of a portion of the territory of Georgia to the United States, with a statement of the cost of such extinguishment; and also an estimate of the amount of land within the said State to which the Indian title still remains to be extinguished, and by what tribes claimed, I transmit a report from the Secretary of War, which contains the information desired.

JAMES MONROE.

FEBRUARY 14, 1823.

ORGANIZATION OF THE COURTS.

Mr. JOHNSON, of Kentucky, rose to offer a resolution. He said he had been anxious to present to the Senate a proposition to enjoin upon the Judicial Committee a thorough examination into the organization of the courts of the United States, and to report such a change as would cure the evils resulting from the present system. He thought it was the duty of Congress to take up the subject and give it a complete examination, and adopt some modifications which he was convinced ought to be made. But this session was a short one, and not the most favorable to the discharge of this duty. He thought that Congress should turn their attention to the jurisdiction, as well as to the organization of the Federal Judiciary. The defining and limiting the jurisdiction of the courts depended upon a construction of the Federal Constitution, and required no other materials than those possessed by every member. But the organization of the courts was a matter of policy and expediency, and should be changed as time and experience might suggest. In order, therefore, that this subject might be before Congress at an early period of the next session, with all the facts which could be obtained in addition to those in the possession of members, he had been induced to offer to the House a resolution which might furnish some useful information on the subject as to the organization of the courts. At present, one

half of the territory of the United States, if not half of the population, was under a district system, and the other half under a district and circuit system combined—and the circuit judges compose the Supreme Court of the United States. It was apparent from this system, that, in the selection of these judges we should consult, as much if not more, bodily powers than mental and legal acquirements; for the Judges of the Supreme Court can only remain at this place something like forty days annually, during which time, with the most indefatigable industry, more than one hundred cases cannot be disposed of, while they represent ten million of people, and twenty-four independent States, and the dockets in every part of the Union swelling and increasing in magnitude. The Western country had in part only the benefits of the circuit system. He thought that the system should be uniform; that every part of the United States should have circuit courts, or confined to district, and enable the Supreme Court to remain in session at this point such a period as will be more adequate to the discharge of their duties as Judges of the Supreme Court. His object was to produce uniformity, efficiency, and impartiality in respect to every portion of the community. Mr. J. concluded by offering the following resolution:

Resolved, That the Judges of the Supreme Court be requested to report, jointly, to this body, as early in the next session of Congress as may be convenient, such facts and observations as their experience and reflections may suggest, relative to the present organization of the courts of the United States, pointing out its defects and inconveniences, if any, and suggesting such changes and modifications as will, in their opinion, combine most efficiency and economy in the administration of justice.

LEAD MINES AND SALT SPRINGS.

On motion of Mr. BENTON, the Senate proceeded to the consideration of the bill to repeal the several acts reserving from public sale the lead mines and salt springs belonging to the United States, and to authorize the President of the United States to cause the lead mines and the salt springs, and the lands contiguous thereto, to be exposed to public sale.

Mr. BENTON rose, and in support of the bill delivered himself to the following effect:

The Senate is now to deliberate upon a subject of great national importance. The mines and salines of Upper Louisiana still belong to the nation. They are great in extent and rich in value. They are found scattered in detached districts over a line of six hundred miles; from the left bank of the Arkansas to the neighborhood of the Falls of St. Anthony. The State of Missouri, in the centre of this line, is their chief seat. Salines are found in every part of the State, but chiefly in the part known under the name of the "Boon's Lick country." Here the salt water runs off from the surface of the earth in a thousand streams. Large creeks, on which mills are built, are sensibly impregnated with it; and over an extent of four or five counties, on both sides of the Missouri, in a country of unrivalled fertility, scarcely a mile square could be found in which saline indications are not visible to the daily passenger.

The lead district is located in a different part of the State, on the waters of the Merrimac, Gasconade, and St. Francis, and what was formerly the county of St. Genevieve, now divided into several counties, of which Washington is the centre, and the chief seat of the mines.

The great indications of mineral wealth in this district attracted the attention of enterprising men more than a century ago. The celebrated "Mississippi Scheme" was bottomed upon the mines of Upper Louisiana; but the precious, not the valuable metals were the object of pursuit to the projectors of that scheme. It was the middle of the last century before the lead mines were worked, and the experience of seventy years has since shown that a large district of country abounds with this mineral, the ore exceedingly rich, yielding eighty-two per cent., and the metal so much finer than the English as to command a cent more on the pound in the white and red lead factories. In 1803, the province of Louisiana was ceded to the United States, and the fame of her mineral wealth prodigiously enhanced, in public estimation, the value of the acquisition. Congress proceeded upon the idea that these mines were too valuable to be owned by individuals; that they ought to be reserved as national property; and a system of reservation and Government monopoly was adopted, and has been persevered in ever since. The surveyors of the public lands were instructed to note on their maps all indications of mines and salines; portions of contiguous land were directed to be reserved convenient to each; the officers of the land department were forbid to sell them; the boards of commissioners for confirming Spanish titles were interdicted from deciding a claim which covered lead or salt; and, to complete this system of monopoly, an odious law of retroactive operation was passed, to vacate the sales of land made by the Government itself, in the event of afterwards finding lead or salt upon it, and fixing on the purchasers, by the aid of some inquisitorial process, the successful charge of previous knowledge and fraudulent concealment.

The National Government, by these acts, having concentrated in its own hands the possession of the mines and salines, undertook, in the year 1807, to reap the fruit of its able policy. For this purpose, the luminous idea was adopted of converting itself into a national landlord, the miners into national tenants, and deriving a national revenue from salt-water boilers and lead-ore diggers. This system was adopted in 1807. Fifteen years have since elapsed, and certainly fifteen years of annual experience is sufficient to test the vice or the virtue of all money-making schemes. What, then, has been the fruit of this monopolising and leasing system? Have any leases been taken? Yes, many. Has any lead been dug? Yes, many millions of pounds weight. Have any rents been paid? No, not a dollar—not one cent. But, perhaps it may be thought that valuable improvements have been made, the benefit of which

will inure to the Republic, and compensate it for the loss of rents. I answer, none. No improvement can be made at salines, except by sinking wells or boring holes some hundred feet to the strata of salt or streams of strong water which lie below, neither of which has been done at a public saline. No improvement can be made at a mine, except by sinking shafts, opening galleries, providing ventilators and hydraulic engines, and constructing permanent furnaces; not one of which things has been done at a public mine, or ever will be done by a tenant or lessee for years. The spirit of tenantry is every where the same; it is a spirit adverse to improvement, always leaning towards the injury of the property in possession, and always holding back from the payment of rent. This spirit has had its full range in the mineral lands of the United States, where no improvement has been made, no rent paid, and great injury done in the destruction of timber, and in ravaging the ground in search of minerals. Not only no improvement has been made, but not even a mine discovered even twenty feet below the surface of the ground. Of the fifty or sixty public mines enumerated in the report from the War Department, not one was known as a mine at this time. They were nothing but superficial diggings, exhausted and abandoned in a few weeks or months after the first discovery. The veins and masses of ore which approach the surface have alone been touched. Miners call this "picking at the eyes of the mine," while the body of it lies at the distance of some hundred, or some thousand, feet below. In fine, the fruit of this whole system has been injury to the national property, loss to the national treasury, and a recourse to foreign Powers to supply us with the articles of which God in his providence has given to us more than he has given to them.

Mr. B. appealed to the Senate to say whether it was not time to change this system. His own mind was made up, and had been during the seven years that he had lived in Missouri, and witnessed the evils which he had faintly sketched. He was against the leasing system. He knew that it might be improved, but, with all the improvements that could be ingrafted upon it, he held it to be wrong in its first principles, and fraught with evil in all the ramifications of its practice. To continue it will be to perpetuate the relation of landlord and tenant throughout the vast extent of the mineral districts of the Republic; that landlord being the Federal Government, and holding its domains and body of tenantry within the limits of a sovereign State. I deny such a power to the Federal Government. I take my stand upon the words of the Constitution, upon the left hand of the venerable Senator from Virginia, (Mr. TAYLOR,) and deny to the Federal Government a power to hold lands in any State, except upon grants made, in cases enumerated, and for purposes specified, in the Constitution. I speak of permanent ownership, not of the transient trustee possession, which is necessary to a fair distribution of the property, and which is recognised in the compacts with the new States by an agreement not to tax the public land "before it is sold, and for five years thereafter." I deny to the Federal Government the capacity to hold a body of tenantry within the limits of any State. The monarchies of Europe have their serfs and vassals, but the genius of the Republic disclaims the tenure and the spirit of vassalage, and calls for freemen, owners of the soil, masters of their own castles, and free from the influence of a foreign sovereign.

But if a doubt can be entertained of the right of the Federal Government to hold lands and tenants in the bosoms of the States, none can exist as to the evils of such a practice. Even if confined to minerals and salines, the mischief must be great. In the first place, large districts of country must be locked up from the people, fenced in with prohibitory laws, and protected from waste, like the forest lands in Europe. The soil and timber on the reserved tracts must be placed under the guardianship of penal statutes; Federal officers must be appointed to stand over the miners, and watch their hands, and search their pockets, and detect all attempts to carry off the ores before "the lord has received his tithe." Other laws must be made to compel the payment of rent; the odious remedy by "distress," must be introduced, and this splendid Federal Government, created by our fathers for great national purposes, must be seen descending from its high estate, and going down to the level of a petty landlord, impounding the cattle of his miserable tenant, to force out of his hands the arrearages of his rent. But what is the effect to the States in which these things shall be done? Population retarded, the improvement of the country delayed, large bodies of land held free of taxation, and their elections more or less influenced by the presence of men holding their leases at the will of the Federal Government. All this is bad enough, but the worst is yet to be named. The foundation of the whole is monopoly, odious in itself, and aggravated in this instance from the nature of the articles monopolized. God placed lead and salt in Missouri for the use of the people who go there to live; he gave them a surplus of both to sell to their neighbors; but, by the intervention of a foreign Government, the people are denied the benefit of the use and the profits of supplying their neighbors.

But it is not only lead and salt which will be monopolized under the continuance of this system, but a great variety of other minerals and fossils, and large tracts of farming land to supply them with wood. The base metals have an affinity to each other, and are generally found in company. The lead districts in the Mendip Hills and Derbyshire, in England, abound with zinc, iron, coal, mineral waters, plumbago, every one of which, and many others, are found in the mineral districts of Missouri.* All these must be

* Geological researches have discovered in Missouri, besides the articles above named, chalks, red and white; ochres, red, white, and yellow; fuller's earth; potter's clay; a plastic white clay, snow white;

lost to the inhabitants, if the leasing system is perpetuated. And what is the advantage proposed to the Federal Government in return for so many evils? Revenue! yes, money for the Treasury is the object proposed. But who can entertain a serious idea of drawing any thing, worth a nation's notice, from such a source? We have already had fifteen years' experience, and shall we wait for fifteen more? Shall the experience of other nations be lost upon us? Of all the money-making projects that ever entered the head of a nation, that of mining is held to be the most chimerical. So says Adam Smith. He even places national mining below lotteries, and so do I. And if compelled to choose between them, I would certainly direct our Minister of the Treasury to repair to Benjamin O. Tyler's Grand National Temple of Fortune on Pennsylvania Avenue, (especially if furnished with tickets selected by the truly fortunate dreamer of Richmond,) in preference to resting his hopes for future revenue on a second "Mississippi Scheme" among the mines of Upper Louisiana.

I trust that enough has been said to show the bad policy of leasing. Shall we then adopt the alternative proposed by the bill, and deliver up the mines and salines of the Republic to the pursuit of individual industry, to the activity of individual enterprise, to the care of individual interest, guided and sustained by the skill and capital of those who may choose to hold them? I maintain it to be our true policy to do so, and that the Government will find its indemnity in the price which will be paid for them, and in the increased wealth of its citizens, which is, in fact, the wealth of the Government itself. Besides, without a freehold in the soil, the experience of all countries proves that the riches of the mineral kingdom can never be discovered or brought into action. A lessee for years cannot incur the expenses of sinking shafts, connecting them by galleries, opening ventilators, constructing hydraulic machines, and building permanent furnaces. And, without these labors, the mineral riches which lay some hundred feet in the bowels of the earth, can never be discovered. All this is now proved on the mineral lands of the United States in Missouri. Fifty or sixty mines have been opened, exhausted, and abandoned. Yes, in the space of a few months, a mine is exhausted, while in England, mines are now worked which were opened two thousand years ago. The reason is obvious. The English miner, having the freehold of the soil, husbands and improves his property, and follows the vein downwards, even to the distance of two thousand feet. The American lessee can only take what he finds near the surface of the ground. He cannot pierce the rock, in pursuit of the descending veins which lead to the great beds of ore below. He can only "*pick out the eyes of the mine*," without touching its body; nor is it possible to tell where nature has deposited her hidden treasures, except by opening the earth to the places where they lie. Neither the eye of Science, nor the conjuror's rod, can detect a mine at any given distance below the surface of the earth. All over the world mineral wealth has been discovered either by accident, or by the persevering labor of the owner of the soil. It is needless to multiply examples to prove the assertion. Every Senator's reading will furnish him with a multitude. Two only will I mention—the discoveries of the great copper mine in Anglesea and the salt mine in Cheshire. The former, though the richest in the world, and furnishing, at this day, more copper than all the mines of Europe put together, and seated in the bosom of a country settled for several thousand years, was only discovered about fifty years ago; the latter only discovered at the beginning of the last century, though known as a saline to the Roman soldiers when Britain was a province of the Roman empire. This vast salt mine is only one hundred and twenty feet below the surface of the earth, and then commences in *strata* sixty feet thick, and yet was never discovered till the earth was penetrated by the owner of the soil. If situated in the United States on public lands, it would never be found at all, for the lessee for years could do nothing but boil the water which flowed from the saline, or was dipped out of a well a few feet deep. He could not have gone even one hundred and twenty feet deep into the earth. But change the tenure, create a fee simple in the soil, and what may not be found in a country like Missouri, where a thousand salines present themselves—where a thousand springs and branches, and even a river, (*la mine*,) turning mills, are impregnated with salt, indicating such mines and fountains of salt below, as neither England, nor any other country upon earth, can be supposed to contain. The same may be supposed of the lead districts, and may not tin and copper also be found in the mineral districts of Missouri? The theory of mineralogy authorizes the belief; for these, too, belong to the family of base metals, and are often found in company of lead.

The example of England presents itself to us. In the early ages her base metals were considered as too precious for the people, and were reserved as Crown property. Her mines were leased out; and the great tin mines of Cornwall brought the imposing sum of one hundred marks per annum, and the rest in proportion. In the reign of Philip and Mary this policy was changed. The mineral kingdom, by an act of Parliament, ceased to be a monopoly in the hands of the Crown. It was delivered up to the skill, and capital, and industry of individuals, and the result has been, that the iron, lead, copper, tin, coal, and salt, of England, have carried the wealth and power of the British empire to a height to which the mines of Peru and Mexico could never have exalted her. And let us follow her example, not the example of her dark ages, but of that enlightened period which has made, of a small island in the sea, one of the richest and most powerful empires upon the face of the globe.

plaster of Paris; flint; manganese; granular quartz; sulphur; saltpetre; several varieties of marble, including porphyry and alabaster; precious stones, cornelian and jasper; antimony; alum.

When Mr. B. had concluded—

Messrs. DICKERSON, LOWRIE, SMITH, of Maryland, BARTON, VAN BUREN, TAYLOR, of Virginia, HOLMES, of Maine, BROWN, of Ohio, KING, of New York, and JOHNSON, of Kentucky, followed Mr. BENTON, with their respective views of the expediency or inexpediency of this measure, and continued the debate until past three o'clock. In the end the bill was, at the request of a member, laid over to Monday.

MONDAY, February 17.

Mr. LOWRIE, from the Committee on Finance, to which was referred the memorial of Lewis A. Petray and Just Viel, made a report, accompanied by a resolution that the committee be discharged from the further consideration of the subject. The report and resolution were read, and, on his motion, they, together with accompanying documents, were ordered to be printed for the use of the Senate.

Mr. SMITH, of Maryland, presented the petition of John S. Stiles, executor of George Stiles, deceased, late of Baltimore, praying a fair construction of the law, entitled "An act for the relief of sundry merchants of the city of Baltimore," approved the 26th April, 1822. The petition was read, and referred to the Committee on the Judiciary.

Mr. SMITH also presented the petition of Francis V. Riviere, of the city of New York, attorney of Benjamin Desobry, of the said city, merchant, praying to be allowed and paid the drawback of duties on a quantity of coffee exported to Hamburg, in January, 1822, which he is unable to obtain, in consequence of failing to execute the bond, required by law, in due time, which he was prevented from doing by sickness. The petition was read, and referred to the Committee on Finance.

Mr. RUGGLES, from the Committee of Claims, to which the subject was referred, reported a bill for the relief of Edward Evat. The bill was read, and passed to the second reading.

Mr. LANMAN, from the Committee on the District of Columbia, to which the subject was referred, reported a bill to divorce John Wheelwright, and Caroline Eliza Wheelwright, his wife. The bill was read, and passed to the second reading.

On motion by Mr. BARTON, the Committee of Claims, to which was referred the petition of Prospect K. Robbins, and also the petition of Daniel M. Boon, were discharged from the further consideration thereof, respectively.

The PRESIDENT communicated a report of the Secretary of War, made in pursuance of an act concerning arsenals and armories, passed 2d of April, 1794, containing a statement of the expenditures at the national armories, and of the arms made and repaired therein during the year 1822; and the report was read.

On motion by Mr. TALBOT, the Senate resumed the consideration of the report of the Committee of Claims on the petition of James Morrison, of Kentucky; and, on his motion, the further consideration thereof was postponed to, and made the order of the day for, Wednesday next.

Mr. HOLMES, of Maine, from the Committee on Finance, to which was referred the bill, entitled "An act to extend the time allowed for the redemption of lands sold for direct taxes, in certain cases," reported the same without amendment.

Mr. VAN BUREN, from the same committee, to which was referred the bill, entitled "An act to amend an act, entitled 'An act further to regulate the entry of merchandise imported into the United States from any adjacent territory,'" together with the amendments proposed thereto, reported the same, with a further amendment; which was read.

On motion, the Message from the President of the United States, of the 14th instant, communicating information in relation to the Indian title to lands within the State of Georgia, was ordered to be printed for the use of the Senate.

The Senate resumed, as in Committee of the Whole, the consideration of the bill supplementary to the several acts for the adjustment of land claims, in the State of Louisiana; and, no amendment having been made thereto, it was reported to the House, and ordered to be engrossed and read a third time.

Mr. JOHNSON, of Kentucky, presented the memorial of Elias Earle and Banister Stone, praying that further proceedings may be suspended, on a suit instituted against them, for an alleged balance due the United States. The memorial was read, and laid on the table.

A message from the House of Representatives informed the Senate that they have passed a bill entitled "An act for the relief of Henry Lee, one of the sureties of John Ricaud, late paymaster in the service of the United States;" and, also, a bill, entitled "An act to alter the times of holding the district court of the United States for the district of Vermont;" in which bills they request the concurrence of the Senate.

The said two bills were read, and passed to the second reading.

The bill to amend an act, entitled "An act for ascertaining claims and titles to land in the territory of Florida," approved the 18th of May, 1822, was read a third time; and, on motion, recommitted to the Committee on Public Lands.

Mr. JOHNSON, of Kentucky, gave notice that, to-morrow, he should ask leave to introduce a bill to alter the time of holding the district court of the United States for the district of Kentucky.

The PRESIDENT communicated a representation of Joseph M. Hernandez, delegate from the Territory of Florida, stating the reasons which render it expedient to pass, during the present session, "An act amending, and supplementary to, the act for ascertaining claims and titles to lands in Florida, and for the survey and disposal of the public lands in the Territory of Florida." The representation was read, and referred to the Committee on Public Lands.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act for laying out and making a road from the

Lower Rapids of the Miami of Lake Erie, to the western boundary of the Connecticut Western Reserve, in the State of Ohio, agreeable to the provisions of the Treaty of Brownstown;" and, on motion, the further consideration thereof was postponed to, and made the order of the day for, to-morrow.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act to make perpetual an act, passed the 3d day of March, 1817, entitled 'An act to continue in force an act, entitled 'An act further to provide for the collection of duties on imports and tonnage,' passed 3d day of March, 1815, and for other purposes;" and, on motion it was laid on the table.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act to confirm certain claims to lots in the village of Peoria, in the State of Illinois; and, on motion, the further consideration thereof was postponed until to-morrow.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act to revive and continue in force certain acts for the adjustment of land claims in the Territory of Michigan," together with the amendment reported thereto by the Committee on Public Lands; and, the amendment having been agreed to, the bill was reported to the House, amended accordingly; and, the same being concurred in, the amendment was ordered to be engrossed, and the bill read a third time, as amended.

The Senate took up the bill from the House of Representatives supplementary to, and to amend, the act of 1799, to regulate the collection of duties on imports and tonnage, together with the amendments recommended by the select committee. These amendments were explained by Mr. SMITH, of Maryland, and were agreed to, and the bill then, having been gone through, was ordered to be read a third time.

Mr. SOUTHARD presented the memorial of a number of the citizens of Washington City, praying certain amendments to the charter of said city; which petition was read, and referred.

RELIEF OF JOSEPH FORREST.

The Senate resumed the consideration of the bill for the relief of Joseph Forrest. [This bill authorizes the Secretary of the Treasury to pay to Joseph Forrest the sum of four thousand dollars, being the value of a vessel lost by the said Forrest, while carrying a donation of provisions from the Congress of the United States to the distressed inhabitants of Caraccas, in the year eighteen hundred and twelve, at the time they suffered by the great earthquake.]

A debate arose on the merits of this claim, which occupied the Senate an hour or two. The claim was supported zealously by Messrs. RUGGLES and LLOYD, of Maryland, and was as decidedly opposed by Messrs. SMITH, of South Carolina, and LANMAN; after which, the question being put on ordering the bill to be read a third time, it was decided in the negative, 19 to 17.

The bill was of course rejected.

NORTHWEST COAST OF AMERICA.

The Senate resumed the consideration of the motion of the 14th instant, in relation to the territories of the United States on the Northwest Coast of America, and the same having been amended by substituting the Committee on "*Foreign Relations*," was agreed to, as amended.

The remarks of Mr. BENTON were as follows:

Mr. BENTON, (mover of the resolution,) said it was due to the Senate to state the reason which had induced him to offer it. This was, to prevent the country in question from falling into the hands of another Power. He knew that the public mind was tranquil upon this point; but he believed that this tranquillity arose, not from an indifference to the loss of the Columbia river, and the great country drained by its waters, but from a belief that our title to it was undisputed, and the possession open to our citizens whenever the Government would permit them to enter upon it. The contrary of all this, Mr. B. held to be the fact, and he would undertake to show to the Senate—

First. That our claim of *sovereignty* is disputed by England.

Second. That England is now the party in *possession.*

Third. That she *resists* the possession of the United States.

Fourth. That the party in possession in 1828, will have the *right* of possession, under the law of nations, until the question of *sovereignty* shall be decided by war or negotiation.

In supporting these positions, Mr. B. said, that he would rely, for his proofs, upon two sources only; first, the document communicated to Congress by the President, on the 17th April, 1822; second, the London treaty of October 20th, 1818. The document would be found in vol. 8, of the State Papers, No. 112, and the treaty in vol. 6, of the Laws of the United States, page 607.

1. That the sovereignty of the Columbia river is claimed by England. Mr. B. premised, as matter of historical notoriety, that an American settlement, Astoria, existed at the mouth of the Columbia, at the commencement of the late war; that it was captured by a British sloop-of-war, in 1813, converted into a military post, and called Fort George; and that, by the first article of the Ghent treaty, a mutual restitution was stipulated, of all places taken from either party by the other, in the progress of the war.

In virtue of this stipulation, the American Government, in the year 1815, determined to "*reoccupy*" the post on the Columbia river, and the Secretary of State, Mr. Monroe, on the 15th of July, of that year, communicated that intention to the British Chargé d'Affaires at Washington, and "requested a letter" from him, to facilitate the restitution. Mr. Baker refused the letter, and assigned for his reason, that he had no instructions upon the subject, from the British Government. He set up no title, on the part of Great Britain, and the Government of the United States, apprehending no opposition, despatched the sloop-of-war Ontario to the mouth of the Columbia, to reoccupy the post. Two years afterwards, a Minister Plen-

ipotentiary, Mr. Bagot, arrives from England, calls personally on the Secretary of State, Mr. Adams, inquires into the destination of the Ontario, and being informed that one object of her voyage was "to establish a settlement on the Columbia river," he complains of this intention as injurious to the "rights and interests" of His Britannic Majesty, and, on the 27th of November, two days after his personal interview, he addressed an official note to the Secretary of State, "requesting an explanation" of the views of the American Government with respect to the settlement, denying that the restitution of Astoria could be claimed under the Ghent treaty, and declaring that "the territory in question had early been taken possession of in His Majesty's name, and had since been considered as forming part of His Majesty's dominions."

What answer was given by the American Government, to this high-toned communication, is to me unknown, said Mr. B. I draw my information from the papers communicated in the document No. 112, and no answer is there to be found. Certain it is that the Ontario returned from the Pacific ocean without getting possession of the post on the Columbia.

The next paper upon this subject is from the same side of the question, to the same effect, and of still higher authority, coming from Lord Castlereagh himself, and given in person to Mr. Rush, the American Minister in London. Mr. Rush communicates it to Mr. Adams on the 14th of February, 1818. He states that "His Lordship mentioned the affair of the establishment at the Columbia river;" expressed his "regret" at the steps taken by the United States, to repossess itself of the territory in question, "Great Britain having a claim of dominion over it;" and that Mr. Bagot had sent in "a remonstrance" upon the occasion, to which no answer had been made at the last dates. For settling the question of title between the two Powers, Lord Castlereagh proposed that a reference should be made of it to the arbitration of some friendly sovereign, and admitted that the United States was entitled to restitution of possession under the first article of the Ghent treaty.

This despatch from Mr. Rush draws out the American Secretary. On the 20th of May following, Mr. Adams writes to Mr. Rush, instructing him to decline the proposed arbitration, and to express to Lord Castlereagh the unwillingness of the United States to include this subject among the objects of "serious discussion," because of "the minuteness of the present interests" of either party involved in it.

This, said Mr. B. is the end of the published correspondence on this point. The next place in which the British claim shows itself, is in the London treaty of October, 1818.

The first article of that treaty secures to American fishermen the liberty of curing fish on the unsettled coasts of Newfoundland and Labrador.

The second determines a portion of the boundary between the United States and His Britannic Majesty's dominions in America, to wit: from the Lake of the Woods to the summit of the Rocky Mountains, and fixes it upon the parallel of the 49th degree of north latitude.

The third applies to the country drained by the Columbia river, and is in these words:

"It is agreed that any country which may be claimed by either party, on the Northwest coast of America, westward of the Stoney Mountains, shall, together with its harbors, bays, and creeks, and the navigation of all rivers within the same, be free and open for the term of ten years from the date of the signature of the present convention, to the vessels, citizens, and subjects, of the two Powers; it being well understood that this agreement is not to be construed to the prejudice of any claim which either of the two high contracting parties may have to any part of the said country; nor shall it be taken to affect the claims of any other Power or State to any part of the said country; the only object of the high contracting parties, in that respect, being to prevent disputes and differences amongst themselves."

Mr. B. said that this was the last, and the highest, piece of evidence which he intended to submit in support of his assertion that Great Britain now claimed the sovereignty of the Columbia river. He had traced that claim from its first appearance above the horizon of diplomatic discussion to its safe lodgment in the bosom of a treaty; and surely no claim had ever grown up with such surprising rapidity. When Louisiana was purchased from Spain, in 1803, it was not heard of; when Lewis and Clarke took possession of the country, in 1806, it was not heard of; when Astoria was founded, in 1810, it was still unheard of: at Ghent, in 1814, no one mentioned it; in 1815, the British Chargé d'Affaires at Washington City, knows nothing about it. It is only in November, 1817, that a British Minister first avows it; in May, 1818, that an American Secretary considers it too "minute" to be classed among objects of "serious discussion;" and in October of the same year that it obtains foot-hold in a solemn treaty, there to remain, the fruitful source of future negotiation, and perhaps of war.

Mr. B. proceeded to his second point: That England now has the possession of the country in question.

He apprehended that a transaction, in which Mr. Prevost acted as the agent of the United States, had misled the public mind on this subject. The facts are, that a British ship of war called at Lima, in the Fall of 1818, took up Mr. Prevost, carried him to Astoria (Fort George) on the 1st day of October, and brought him away on the 6th. While there, Mr. Prevost, under the authority of the American Government, signed a receipt for the delivery of Fort George, and accepted a remonstrance from the British against the delivery "until the final decision of the right of sovereignty to the country between the two Governments." The possession of the fort was not changed, nor intended to be changed, by any thing that Mr. Prevost did. He could not man the fort himself, and had not a single soldier or sailor to do it for him. The ceremony of lowering the British flag, and hoisting the American,

was a piece of form, arranged beforehand, for the purpose of satisfying the words of the Ghent Treaty by a nominal restitution, while the post itself remained with the English in the same manner as if Mr. Prevost had never made his visit. No attempt has since been made by the American Government to realize the possession, and Fort George remains to this day in the hands of the British.

The third point: That England resists the possession of the United States.

This has been already proved, in showing that the British Minister, Mr. Bagot, in 1817, "remonstrated" against the occupation of the country by the sloop of war Ontario, and in the notorious fact that the Ontario did not succeed in the object of her voyage. In 1818, it is shown by Mr. Prevost, that it was still the intention of the American Government to settle the country, which we all know has not been done. His words are these: "The principal object of the President, in sending 'me thus far, was to obtain such information of the 'place, its access, and its commercial importance, 'as might enable him to submit to the considera-'tion of Congress, measures for the protection and 'extension of the establishment." The report of Mr. Prevost was most favorable on all these points, but no plan, for the purpose mentioned by him, has been submitted to Congress by the Executive; and, since that period, the present British Minister in Washington, Mr. Canning, in two several interviews with the Secretary of State, in reference to the bill depending in the House of Representatives, for the occupation of the Columbia river, "suggested that Great Britain had claims 'on the Northwest coast of America, with which 'he conceived that such occupation, on the part of 'the United States, would conflict; and requested 'to be informed what were the intentions of the 'Government of the United States in this re-'spect."

This, said Mr. B., is resistance, and resistance in the most imposing form. It is direct from the Minister of England to the American Secretary of State. It is face to face; not once only, but on two distinct and separate occasions. It goes the whole length of unqualified opposition; renewing the "claim" of Great Britain, warning the Republic of a "conflict," and calling upon the Executive to declare its "intentions." What further the Minister would have said or done, if the Executive had avowed a disposition to occupy the Columbia, cannot be known, as no such avowal was made; but enough is known to prove that the Minister of England has virtually attempted to arrest the progress of a legislative act in the Congress of the United States—an attempt which, if I am not greatly mistaken in the temper of the American people, will accelerate the measure it was intended to impede.

The fourth point: That the party in possession, in the year 1828, will have the *right* of possession until the question of title is decided by war or negotiation.

This consequence, said Mr. B., results from the terms of the third article of the Treaty of London. That article has been read. The reading of it will have dissipated two errors which had obtained a wide spread in the public mind—first, that the English recognised the forty-ninth degree of latitude as the boundary between the United States and Great Britain, from the Lake of the Woods to the Pacific ocean; and, second, that the United States granted to her the use of the Columbia river, and the trade of its inhabitants, for the period of ten years. The facts are, that the boundary is only fixed to the summit of the Rocky Mountains, and the sovereignty of each is considered as equal to all the country beyond. Neither surrenders any part of its own claim; the treaty is not to be construed to the disadvantage of the title of either; by consequence, neither is considered as having accepted a privilege from the other; but each retains possession, by virtue of his own claim to sovereignty, and each agrees to tolerate the possession of the other for ten years. It results, of course, from this stipulation, that the party in possession, at the end of the ten years, will have the right of possession till the question of title shall be decided. It requires no *Vattel* to tell us this. The principle is the same, in national and in municipal law. When the title is disputed, the party in possession of the disputed property has the right to keep it till the question of title is decided by a court of justice, when the dispute is between individuals; and by arms or negotiation, if between nations. In the case before the Senate, the United States have a right of possession under the Ghent treaty, and a right of entry under the treaty of 1818; but the latter is already half run out, and the former must be considered as abandoned, if not renewed and effectually asserted.

Mr. B. made further remarks upon the third article of the London treaty. He had heard it said that an able diplomatist never signed a treaty without having first deposited in it the seed of a new contestation. If so, the negotiators of this article have shown themselves eminently able. They have not only sowed the seed of a new contest with England, but with all the Powers who may choose to contend with us for the Northwest coast of America. They have inserted a saving clause in behalf of all other "claims" of all other "States and Powers" to the same district of country. When I saw this gratuitous and extraordinary reservation, I could not avoid casting my eyes to the foot of the treaty, and searching among the signatures for the names of Nesselrode and Capo D'Istria; not seeing their names there, I nevertheless believe that I see the finger of Russia in the treaty itself; and in a reservation so vague and so foreign to the interest of the Republic, every one may see the policy of England, securing to herself the means of strengthening her own pretensions by joining to them the "claims" of all other "Powers and States."

Mr. B. found other provisions, to him unaccountable, in this treaty. The "fishing privilege" is yielded to us, without an equivalent, which, at Ghent, could not be obtained, except to balance the navigation of the Mississippi; and he found the sovereignty of the Columbia a concession not

even asked for at Ghent, more than half surrendered to Great Britain and her associate pretenders, and this, too, without the shadow of an equivalent to the United States; unless, indeed, by a *sub silentio* agreement, the sovereignty of the Columbia was substituted for the navigation of the Mississippi, as the price of the important privilege of taking and curing fish on the desert shores of Labrador and Newfoundland.

Mr. B. would not pursue this subject any further. He flattered himself that he had made good all the points which he had taken before the Senate, and that it was now apparent that the Republic, partly through its own remissness, partly from the concessions of our Ministers in London, but chiefly from the bold pretensions of England, is in imminent danger of losing all its territory beyond the Rocky Mountains. The evils of such a loss to us, and the advantage of such an acquisition to her, are too obvious to be here insisted upon. Every one can see that the mouth of the Columbia, in the hands of England, would be immediately converted into a grand naval station, for the protection of her trade and navigation in the Pacific Ocean, and for the destruction of the commerce of all other Powers. Not an American ship will be able to show itself beyond Cape Horn, but with the permission of the English.

The direct intercourse between Asia and the valley of the Mississippi would be intercepted. The fur trade of the Rocky Mountains would fall into the hands of British subjects, and with it the entire command of all the Indians of the West and North, to be turned loose upon the frontiers of Missouri and Arkansas, and Illinois and Michigan, upon the first renewal of hostilities between the United States of America and the King of Great Britain.

TUESDAY, February 18.

Mr. JOHNSON, of Kentucky, asked and obtained leave to introduce a bill to alter the time of holding the district court of the United States, for the district of Kentucky; and the bill was twice read by unanimous consent.

Mr. RUGGLES, from the Committee of Claims, to which was referred the bill, entitled "An act for the relief of James Morrison, of Kentucky," reported the same without amendment.

On motion, by Mr. VAN DYKE, the Committee on Public Lands, to which was referred the memorial of the Legislature of the State of Alabama, praying that the sale of public lands within the counties of Jackson and Decatur may be deferred, and that certain settlers may be entitled to the right of pre-emption; and, also, the memorial of the said Legislature, praying further relief to the purchasers of public lands in that State, were discharged from the further consideration thereof, respectively.

Mr. VAN DYKE, from the Committee on Public Lands, to which was referred the petition of Elihu Hall Bay, for himself and on behalf of Theodore Gaillard and Charles Roberts, of the State of South Carolina, made a report, which was read.

The PRESIDENT communicated the credentials of MAHLON DICKERSON, appointed a Senator by the Legislature of the State of New Jersey, for the term of six years, commencing on the fourth day of March next, which were read, and laid on file.

On motion, by Mr. VAN DYKE, the Committee on Public Lands, to which was referred the memorial of a number of the inhabitants of Illinois, praying relief may be extended to those purchasers of public lands who had paid for the same prior to the passage of the act of Congress for the relief of the purchasers of public lands, were discharged from the further consideration thereof.

Mr. SMITH, of South Carolina, from the Committee on the Judiciary, to which was referred the petition of Anne Dubord, wife of Joseph Antonio De Reano, of the city of New Orleans, made a report, accompanied by a resolution that the petitioner have leave to withdraw her petition.

Mr. VAN DYKE, from the Committee on Public Lands, to which the subject was referred, by a resolution of the Senate, reported a bill extending the time for locating Virginia military land warrants, and returning surveys thereon to the General Land Office. The bill was read, and passed to the second reading.

Mr. VAN DYKE, from the same committee, to which was recommitted the bill to amend an act, entitled "An act for ascertaining claims and titles to land in the Territory of Florida," approved the 8th of May, 1822, reported the same without amendment.

The bill for the relief of Edward Evat was read the second time.

The bill to divorce John Wheelwright and Caroline Eliza Wheelwright, his wife, was read the second time.

The bill entitled "An act to alter the times of holding the district court of the United States, for the district of Vermont," was read the second time, and referred to the Committee on the Judiciary.

The bill entitled "An act for the relief of Henry Lee, one of the sureties of John Ricaud, late paymaster in the service of the United States," was read the second time, and referred to the Committee of Claims.

The bill supplementary to the several acts for the adjustment of land claims in the State of Louisiana, was read a third time, and passed.

The bill for the relief of John Buhler was read a third time, and passed.

The amendments to the bill entitled "An act supplementary to, and to amend, an act, entitled 'An act to regulate the collection of duties on imports and tonnage,' passed 2d March, 1799, and to repeal an act supplementary thereto, passed 20th April, 1818, and for other purposes," having been reported by the committee correctly engrossed, the bill was read a third time as amended, and passed.

The amendment to the bill entitled "An act to revive and continue in force certain acts for the adjustment of land claims in the Territory of Michigan," having been reported by the committee correctly engrossed, the bill was read a third time as amended, and passed.

On motion of Mr. VAN BUREN, it was

Resolved, That the Senate will, to-morrow, at 12 o'clock, proceed to the choice of a President *pro tempore*.

[Though nothing was said by Mr. VAN BUREN on offering the above resolution, it was known that the Vice President had withdrawn from the Chair of the Senate for the remainder of the session, being about to return home.]

The Senate took up the resolution offered by Mr. JOHNSON, of Kentucky, on Friday last; and, after some discussion, having been modified, on the motion of Mr. MILLS, to read as follows, it was agreed to, viz:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of collecting and digesting in one bill all the acts of Congress relative to the courts of the United States, and the administration of justice therein; and to report a mode of effecting that object, and also of effecting such changes, modifications, and additions, as will, in their opinion, combine most efficiency, promptitude, and economy, in the administration of justice.

Mr. HOLMES, of Mississippi, presented the petition of Jeremiah Downs, late a captain of mounted volunteer riflemen, praying the reimbursement of his expenses in supplying the company under his command with hay and fodder. The petition was read, and referred to the Committee of Claims.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act to provide for the settlement of the accounts of Daniel D. Tompkins, late Governor of the State of New York;" in which bill they request the concurrence of the Senate.

The said bill was twice read, by unanimous consent, and referred to the Committee of Claims.

Mr. WILLIAMS, of Tennessee, from the Committee on Military Affairs, to which was referred a resolution of the Senate, of the 17th of January, reported the following resolution:

Resolved, That the President be requested to cause to be laid before the Senate, at the commencement of the next session of Congress, the plan of the fortification contemplated to be erected at St. Mary's river, within the Potomac, with an estimate of the sum necessary to complete the same, and the number of cannon and mortars intended for the works; and, also, that he be requested to cause a survey to be made of the Patuxent river, to ascertain a proper site for a fortification, and to lay the same before the Senate, with a plan of the same, the number of guns and mortars which may be requisite, and an estimate of the sum that will be necessary to erect and complete the works.

The Senate took up the report of the Committee on Claims unfavorable to the petition of Lieutenant Joseph S. McPherson, of the Navy, who prays, for the reasons set forth, that Congress will pass an act authorizing the settlement of his accounts, without requiring of him certain vouchers which have been lost.

Mr. FINDLAY laid before the Senate some papers and facts on the subject of this case, not submitted to the committee. He also made some remarks favorable to the petitioner, and concluded by a motion to recommit the report, with the papers he had introduced, which motion was agreed to.

The resolution introduced by Mr. TAYLOR, of Virginia, proposing an amendment to the Constitution of the United States in regard to the election of President of the United States, being the next subject in order, was taken up; when

Mr. LOWRIE moved that the resolution be laid on the table, and his motion was agreed to without opposition.

LEAD MINES AND SALT SPRINGS.

The Senate then resumed the consideration of the bill to authorize the President of the United States to offer at public sale the salt springs and lead mines of the United States, and the public land contiguous thereto.

Mr. DICKERSON moved to strike out the first section of the bill, and to insert a substitute, providing, in substance, that the President of the United States be authorized to appoint some fit person, skilled in mineralogy, for the space of three years, for the purpose of examining and reporting, from time to time, on the mines and minerals of the States of Missouri and Illinois, and Territory of Michigan; and allowing him a salary therefor.

Mr. DICKERSON supported this proposition, and opposed the original bill.

Mr. BROWN, of Louisiana, advocated, at some length, and Mr. MACON briefly, the expediency of selling the mine lands. Mr. LLOYD, of Massachusetts, made some remarks against the bill, and Mr. TALBOT likewise, in its present shape.

The bill was then laid on the table; and the Senate adjourned.

WEDNESDAY, February 19.

At 12 o'clock to-day, the Secretary of the Senate called the Senate to order; and, having stated that the hour had arrived at which the Senate had resolved to proceed to the election of President *pro tempore*, he requested the members to prepare their ballots for that purpose.

The Senate accordingly proceeded to ballot for a President *pro tem.*, and the result was as follows:

For JOHN GAILLARD, of South Carolina	32
For JAMES BARBOUR, of Virginia - -	6
Scattering - - - - - - -	6

So Mr. GAILLARD was elected President of the Senate *pro tempore*; and, having taken the Chair, made his acknowledgments to the Senate, as follows:

GENTLEMEN: On taking the station with which you have honored me, I must be permitted to tender you my acknowledgments for so flattering an evidence of the continuance of your confidence and favor. Were my capacity to fill this place commensurate with your kindness, or equal to the gratitude I feel, I might then reasonably expect to merit your approbation, which would be the highest reward I could obtain, and the most gratifying compensation for the cares and solici-

tude which must ever be attendant on the situation to which I am called. Forbidden, however, by a thorough conviction of my deficiencies in many essential respects, to hope for so favorable a result, I must again throw myself for encouragement and support on your known liberality, and on the experience I have had of your former indulgence, and they will, I trust, sustain me in the attempt I shall make to discharge the duties devolving on me with fidelity and impartiality; being fully persuaded that I shall thereby furnish the most satisfactory testimony that can be offered of my high respect for this body, as well as of my esteem and personal regard for the individuals composing it.

On motion of Mr. MILLS, the Secretary was directed to wait on the President of the United States, and acquaint him with the election of Mr. GAILLARD as President of the Senate, in the absence of the VICE PRESIDENT of the United States, and also to inform the House of Representatives thereof.

Mr. RUGGLES, from the Committee of Claims, to which was referred the bill from the House of Representatives, to provide for the settlement of the accounts of Daniel D. Tompkins, late Governor of the State of New York, reported the same, without amendment.

On motion, by Mr. RUGGLES, the Committee of Claims, to which was referred the petition of Samuel F. Hooker, were discharged from the further consideration thereof.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act making appropriations for the support of Government, for the year 1823;" a bill, entitled "An act making appropriations for the Navy of the United States, for the year 1823;" and, also, a bill, entitled "An act for the relief of Polly L. Campbell, widow of Colonel John B. Campbell, deceased, late of the eleventh regiment of the United States infantry;" in which bills they request the concurrence of the Senate.

Mr. STOKES, from the Committee on the Post Office and Post Roads, reported a bill for clearing, repairing, and improving certain roads, for the purpose of facilitating the transportation of the United States' mail; and the bill was twice read.

Mr. BENTON, from the Committee on Public Lands, to which was referred the memorial of the Legislature of Missouri, reported a bill to authorize the Recorder of Land Titles in the State of Missouri, to examine into the number and state of the unconfirmed French and Spanish land claims, in the State of Missouri, and to report the same to the Congress, at their next session; and the bill was twice read, by unanimous consent.

Mr. JOHNSON, of Louisiana, submitted the following motion for consideration:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of an appropriation sufficient to complete the barracks, and other buildings, commenced at Baton Rouge, in the State of Louisiana, for the accommodation of the troops of the United States at that place.

CLAIM OF JAMES MORRISON.

The Senate then took up the report of the Committee of Claims adverse to the claim of Colonel James Morrison, of Kentucky, a deputy Quartermaster General during the late war with Great Britain, who petitions for an allowance of ten thousand dollars, in the settlement of his accounts, which sum was lent by his assistant or agent, Thomas H. Pindall, to Colonel Buford, deputy Commissary, for the public service, but not returned, and with which sum Colonel Morrison is charged, and now asks to be credited.

Mr. JOHNSON, of Kentucky, moved to amend the resolution reported by the committee so as to reverse it and make it favorable to the petitioner, and followed his motion with a speech of some length in support of the claim.

An earnest debate ensued on this question, which occupied the Senate until nearly four o'clock, in which the various facts, and numerous papers, adduced in support of the claim, were minutely examined and elaborately commented on, pro and con. Messrs. JOHNSON of Kentucky, BROWN of Louisiana, VAN BUREN, TALBOT, SMITH of Maryland, BENTON, and HOLMES of Maine, supported the allowance of the claim; and Messrs. RUGGLES, VAN DYKE, CHANDLER, and LANMAN, opposed it. Mr. BARTON also spoke against its allowance, not on its merits, but because he thought it in the first instance a more proper question for a court of justice between Messrs. Morrison and Buford.

The question being taken on the motion of Mr. JOHNSON, of Kentucky, it was decided in the affirmative, by yeas and nays, as follows:

YEAS—Messrs. Benton, Brown of Louisiana, Brown of Ohio, D'Wolf, Edwards, Elliot, Findlay Holmes of Maine, Johnson of Kentucky, Johnson of Louisiana, Kelly, King of New York, Lloyd of Maryland, Parrott, Seymour, Smith of Maryland, Southard, Stokes, Talbot, Taylor of Indiana, Thomas, Van Buren, Ware, and Williams of Tennessee—24.

NAYS—Messrs. Barton, Boardman, Chandler, Dickerson, Eaton, Gaillard, King of Alabama, Knight, Lanman, Lloyd of Massachusetts, Lowrie, Macon, Mills, Morril, Palmer, Ruggles, Smith of South Carolina, Taylor of Virginia, and Van Dyke—19.

The Committee of Claims was then, on the motion of Mr. TALBOT, instructed to bring in a bill for the relief of the petitioner; and the Senate adjourned.

THURSDAY, February 20.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Vice President of the United States and President of the Senate:

The Convention of Navigation and Commerce between the United States of America and His Majesty the King of France and Navarre, concluded and signed at Washington, on the 24th of June, 1822, with the first separate article thereto annexed, having been ratified by the two parties, and the ratifications of the same having been duly exchanged, copies of it, and of the separate article referred to, are now communicated to the two Houses of Congress, to the end that the necessary measures for carrying it into execution

on the part of the United States, may be adopted by the Legislature.

JAMES MONROE.

WASHINGTON, *Feb.* 18, 1823.

The Message and accompanying papers were read.

The PRESIDENT communicated a document which was intended to have accompanied the Message of the President of the United States, of the 3d of January, 1823, transmitting a detailed statement of the expenses of building each vessel of war; and, on motion, it was ordered to be printed.

On motion of Mr. RUGGLES,

Resolved, That the Committee on Finance be instructed to inquire into the expediency of making an appropriation to enable the President of the United States to take such measures as may be necessary for purchasing the right, title, and interest, which certain Indians have in and to three several tracts of land, of four thousand acres each, lying in the county of Tuscaroras, in the State of Ohio, which lands were granted by Congress, in the year 1796, to the "Society of United Brethren for propagating the Gospel among the Heathen," in trust, for the sole use and benefit of the said Indians; said purchase to be made with the knowledge and consent of the said Society.

Mr. RUGGLES, from the Committee of Claims, in pursuance of instructions of the Senate, reported a bill for the relief of James Morrison; and the bill was twice read by unanimous consent.

On motion by Mr. RUGGLES, the Committee of Claims, to which was referred the petition of John Mitchell, were discharged from the further consideration thereof, and it was referred to the Committee on Finance, to consider and report thereon.

Mr. SMITH, of South Carolina, presented the petition of the board created by the Legislature of South Carolina, for the establishment of a municipal guard, for the protection of Charleston and its vicinity, praying the assent of Congress to an act of that State. The petition was read, and laid on the table.

Mr. EATON submitted the following motions for consideration:

Resolved, That the Senate will, on Friday, the 28th day of February, instant, proceed, by ballot, to elect the several officers of the Senate; which election shall take place every second year thereafter; and a majority of the votes present shall be necessary to a choice.

Resolved, That, after the 28th day of February, no clerk in the Secretary of the Senate's office, shall be competent to act, or shall be entitled to receive any compensation for his services, until he shall be reported to the Senate, and his appointment be assented to; and this shall be done every second year, immediately after the election of the officers of the Senate shall take place.

The bills last brought up from the House of Representatives for concurrence were read, and severally passed to the second reading.

The bill entitled "An act making appropriations for the support of Government for the year 1823, was read the second time, by unanimous consent, and referred to the Committee on Finance.

The bill entitled "An act making appropriations for the support of the Navy of the United States, for the year 1823," was read the second time by unanimous consent, and referred to the Committee on Naval Affairs.

The bill entitled "An act for the relief of Polly L. Campbell, widow of Colonel John B. Campbell, deceased, late of the eleventh regiment of United States infantry," was read the second time by unanimous consent, and referred to the Committee of Claims.

Mr. BARBOUR gave notice that, to-morrow, he should ask leave to introduce a bill for the relief of Nimrod Farrow, Richard Harris, and their securities.

The bill extending the time for locating Virginia military land warrants, and returning surveys thereon to the General Land Office, was read the second time.

The Senate resumed the consideration of the report of the Committee on the Judiciary, on the petition of Anne Dubord, wife of Joseph Antonio De Reano; and, on motion, by Mr. JOHNSON, of Louisiana, it was laid on the table.

Mr. DICKERSON, from the Committee on Commerce and Manufactures, who were instructed to inquire into the expediency of making a donation of lands lying upon the waters of Pearl river, to be appropriated, under the direction of the General Assembly of the State of Mississippi, to aid in the opening and improving the navigation of said river, from the seat of government of the State to the Gulf of Mexico, made a report, accompanied by a resolution that the committee be discharged from the further consideration of this subject.

The engrossed bill entitled "An act to amend an act entitled 'An act for ascertaining claims and titles to land, in the Territory of Florida,'" approved the eighth of May, 1822, was read a third time; and, on motion, by Mr. WILLIAMS, of Tennessee, it was laid on the table.

The Senate resumed the consideration of the report of the Committee on Public Lands, on the petition of Elihu Hall Bay, and others; and, on motion, it was laid on the table.

The Senate resumed the consideration of the resolution reported by the Committee on Military Affairs, on the 18th instant, in relation to contemplated fortifications at St. Mary's and Patuxent rivers, and agreed thereto.

The Senate resumed the consideration of the motion of the 19th instant, relative to the barracks and other buildings, commenced at Baton Rouge, in the State of Louisiana; and the same having been modified, by substituting the "Committee on Finance," was agreed to.

On motion, by Mr. LOWRIE, the Senate resumed, as in Committee of the Whole, the consideration of the bill supplementary to the acts to provide for certain persons engaged in the land and naval service of the United States, in the Revolutionary war; and, on his motion, the further consideration thereof was postponed to and made the order of the day for to-morrow.

The Senate then resumed the consideration of the bill from the House of Representatives for

laying out and making a road from the Lower Rapids of the Miami of Lake Erie, to the western boundary of the Connecticut Western Reserve, in the State of Ohio, agreeable to the provisions of the Indian Treaty of Brownstown.

On this bill a long debate arose, in which its principle and details, its constitutionality and expediency, were thoroughly discussed; in the course of which the bill was considerably modified.

Messrs. MILLS, TAYLOR, of Virginia, and KING, of New York, were the principal opponents of the bill, and Messrs. BROWN, of Ohio, LANMAN, BENTON, SMITH, of Maryland, and LOWRIE, its supporters. The debate principally turned upon the obligation there was on the part of the United States, to carry into effect the Treaty of Brownstown, and whether, even if an obligation was imposed, the State of Ohio had any interest in it which required her to claim it to be executed.

Finally, the bill was ordered to a third reading, as amended—ayes 29.

The Senate resumed, as in Committee of the Whole, the consideration of the bill entitled "An act to confirm certain claims to lots in the village of Peoria, in the State of Illinois;" and, on motion, it was laid on the table.

Mr. VAN DYKE, from the Committee on Public Lands, reported a bill supplementary to the "Act to designate the boundaries of districts, and establish land offices for the disposal of the public lands not heretofore offered for sale in the States of Ohio and Indiana;" and the bill was read.

Mr. TAYLOR, of Virginia, observed that, as the Senate did not usually sit on Saturday, he hoped they would indulge him so far as to meet on Saturday next for the purpose of discussing his resolution proposing an amendment to the Constitution of the United States, in regard to the election of President of the United States, and with that view he moved that the resolution be made the order for that day; which motion was agreed to.

ACCOUNTS OF DANIEL D. TOMPKINS.

The Senate then, on the motion of Mr. WILLIAMS, of Tennessee, proceeded to the consideration of the bill to provide for the settlement of the accounts of Daniel D. Tompkins, late Governor of the State of New York.

[This bill authorizes, first, that the proper accounting officers of the Treasury adjust and settle the accounts and claims of Daniel D. Tompkins, on principles of equity and justice, subject to the revision and final decision of the President of the United States. Secondly, it enacts that the provision of the appropriation law of last session, which prohibits the payment of salary to any individual while he shall appear to be indebted to the United States, shall be repealed so far as it applies to Mr. Tompkins.]

Mr. EATON was opposed to the second provision (above stated) of the bill; because, however highly he might estimate the services and patriotism of the Vice President during the late war, he could not reconcile it to himself to extend to any individual a privilege which was denied to all others similarly situated. It would have the appearance of favoritism, and might be so charged, particularly as it related to a person who held a high and respectable office.

Mr. BROWN, of Louisiana, replied to Mr. EATON in an animated manner. He did not think any such imputation could be made. A jury had passed on this claim, and had rendered a verdict in favor of the Vice President. Committees, too, in both Houses of Congress, had examined the case, and had reported in favor of authorizing what the bill proposed. There was a wide difference, therefore, between this and other cases of unsettled accounts with the Government.

Mr. MORRIL could not agree in the propriety of Mr. EATON'S objections. He adverted to the distinguished services of the Vice President during the late war, and argued in support of the justice of the bill.

Mr. JOHNSON, of Kentucky, supported the bill with much earnestness; and

Mr. MACON opposed it, generally, on the ground taken by Mr. EATON.

The question was then taken on ordering the bill to a third reading, and was carried, with two or three dissenting voices.

At the request of Mr. WILLIAMS, of Tennessee, the bill was thereupon read the third time, by unanimous consent, was passed, and returned to the House of Representatives.

Mr. SOUTHARD gave notice that, to-morrow, he should ask leave to introduce a bill to provide for a library for the Supreme Court of the United States.

FRIDAY, February 21.

Mr. BARBOUR asked and obtained leave to introduce a bill for the relief of Nimrod Farrow, Richard Harris, and their securities. The bill was twice read by unanimous consent, and the bill, together with sundry documents, submitted by Mr. BARBOUR, relating to the claim of Nimrod Farrow and Richard Harris, for the building of the fortifications at Dauphin Island, were referred to the Committee of Claims.

On motion, by Mr. SMITH, of Maryland, the report of the Committee on Military Affairs, of the 18th instant, to which was referred a resolution of the Senate, of the 17th of January, in relation to contemplated fortifications at St. Mary's and Patuxent rivers, were ordered to be printed for the use of the Senate.

Mr. LOWRIE submitted the following resolutions for consideration:

Resolved, That Robert Tweedy, Tobias Simpson, and George Hicks, assistants to the Sergeant-at-Arms and Doorkeeper of the Senate, be paid, out of the contingent fund, two dollars a day for each day they have attended the Senate during the present session of Congress, and that Henry Tims, jun., be allowed —— dollars for his attendance during the present session.

Resolved, That there be paid, out of the contingent fund, to Robert Tweedy, Tobias Simpson, and George Hicks, the sum of —— dollars for extra services.

The resolutions were read, and passed to the second reading.

Mr. NOBLE, from the Committee on the Militia, to which was referred the bill, entitled "An act vesting in the State of Virginia the right of the United States to all fines assessed for non-performance of militia duty, during the late war with Great Britain, within said State," reported the same without amendment.

Mr. BENTON laid on the table sundry maps and plans of the lead mine districts.

Mr. SMITH, of South Carolina, from the Committee on the Judiciary, to which was referred the bill, entitled "An act to alter the times of holding the district court of the United States for the district of Vermont," reported the same without amendment.

The amendments to the bill entitled "An act for laying out and making a road from the Lower Rapids of the Miami of Lake Erie to the western boundary of the Connecticut Western Reserve, in the State of Ohio, agreeable to the provisions of the Treaty of Brownstown," having been reported by the Committee correctly engrossed, the bill was read a third time, as amended, and passed.

The bill supplementary to the act, entitled "An act to designate the boundaries of districts, and establish land offices for the disposal of the public lands, not heretofore offered for sale, in the States of Ohio and Indiana," was read the second time.

The Senate resumed the consideration of the report of the Committee of Commerce and Manufactures, who were instructed to inquire into the expediency of making a donation of lands lying upon the waters of Pearl river, to be appropriated, under the direction of the General Assembly of the State of Mississippi, to aid in the opening and improving the navigation of said river, from the seat of government of the State, to the Gulf of Mexico; and on motion by Mr. HOLMES, of Mississippi, the further consideration thereof was postponed until to-morrow.

The Senate resumed the consideration of the report of the Committee on Finance, on the memorial of Lewis A. Petray and Just Viel; and on motion by Mr. SMITH, of South Carolina, the further consideration thereof was postponed until Monday next.

The Senate resumed the consideration of the report of the Committee on the Judiciary in the case of Ann Dubord, wife of Joseph Antonio De Reano, of the city of New Orleans; when, on the motion of Mr. JOHNSON, of Louisiana, the report was recommitted to the Committee on the Judiciary, with instructions to report a bill for the relief of the petitioner.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act for the relief of Captain Richard Hightower;" in which bill they request the concurrence of the Senate.

The bill last mentioned was read, and passed to the second reading.

Mr. BROWN, of Ohio, submitted the following motion for consideration:

Resolved, That the President of the United States be requested to communicate to the Senate, confidentially or otherwise, as he shall think fit, any information in his possession, which he may not deem improper to be communicated, relative to the present state and condition of the Mexican empire.

On motion by Mr. JOHNSON, of Louisiana, the Senate resumed, as in Committee of the Whole, the bill to enable the holders of French, British, and Spanish titles, to land within the State of Louisiana, which have not been recognised as valid by the Government of the United States, to institute proceedings to try the validity thereof, and for other purposes; and, on his motion, the further consideration thereof was postponed to, and made the order of the day for, to-morrow.

Mr. HOLMES, of Maine, submitted the following motion for consideration:

Resolved, That the Committee on Pensions be instructed to report a bill to amend the act "To provide for certain persons engaged in the land and naval service of the United States, in the Revolutionary war," and the act in addition thereto, so as to reduce the pensions therein provided thirty per cent., and to include all persons who shall have served their country the time required by said acts, without requiring the condition of poverty or necessity; and that the pensions so reduced shall continue to be paid until the number of pensioners shall be reduced to eighteen thousand; after which, there shall be a further reduction to one-half of the original pension.

REVOLUTIONARY PENSIONS.

The Senate, as in Committee of the Whole, then proceeded to consider the bill from the House of Representatives, "supplementary to the acts 'to provide for certain persons engaged in the 'land and naval service of the United States in 'the Revolutionary war."

[This bill provides for the restoration to the pension list, of the name "of any person who may 'have been, or hereafter shall be, stricken there-'from, in pursuance of the act of Congress, passed 'the 1st day of May, 1820, if such person, so 'stricken from the list of pensioners, has heretofore 'furnished, or hereafter shall furnish, evidence, in 'pursuance of the provisions of said act, to satisfy 'the Secretary of War that he is in such indigent 'circumstances as to be unable to support himself 'without the assistance of his country."]

Messrs. MILLS, MORRIL, and LOWRIE, spoke in favor of, and Mr. NOBLE against, the bill.

Mr. LOWRIE proposed, as an amendment to the bill, an additional section, providing for a reduction of 20 per cent. on the amounts hereafter to be paid to all the Revolutionary pensioners.

In support of this motion—

Mr. LOWRIE observed that his remarks on this subject would take up very little time, for he was well aware that the friends of a measure sometimes destroy it by too much speaking. The expense of the pension list for four years, is as follows:

1819 - - - -	$1,811,328 96
1820 - - - -	1,373,849 41
1821 - - - -	1,200,000 00
1822 - - - -	1,833,936 30
	6,219,114 67

One quarter of which is $1,554,778 66 per annum.

There are 2,328 men who, under the provisions of this act, may be placed upon the list. This number, and no more, will be affected by its provisions. This is the utmost extent to which the bill goes, and by no possible construction can more be embraced. The expense of that number, supposing, what is not probable, that all will be placed on the list, according to the estimate of the Chairman of the Committee, (Mr. NOBLE,) is $223,000. The estimate I have made, amounts to $350,000. This is $137,000 beyond that of the chairman; and if it be erroneous, it is too large; and it is the utmost limit of the expense. Now, for the other side. By the present law, there are near 6,000 who may get on the list. Now, suppose but one-half of that number be placed on the list. This may, and will take place, whether you pass this bill or not. If placed on the list, they will be entitled to back pensions from the time they were suspended by the act of 1820, which will be about three years. The amount, then, for back pension alone, for 3,000 men, will be $900,000. You have now the advantage and disadvantage of this bill, as it respects the Treasury. The calculation, to my mind, is perfectly satisfactory. Any gentleman can satisfy himself by making a few figures; and, from this view of the principles of the bill, it is perfectly evident that the Treasury will not lose by it.

But, sir, said Mr. L., I wish to look a little further into the subject. Our expense for this list is now between one million and a half and two millions of dollars. Whether this bill is passed or not, the list will soon swell to two millions of dollars. This is a large sum; and the question must be met, where will you get the money? Will you lay a tax to raise it? That, sir, would make us all pause, in these times. Will you repeal the law? To that I will never consent. I then, sir, to relieve the pressure on the Treasury, propose an amendment, to reduce the pensions twenty per cent. This would give each private $76 80. That sum, sir, is worth as much as ninety-six dollars was at the time of passing the original act. On the subject of reduction, I propose no measure to the pensioners which I would not vote for, as it respects myself. For I neither will tax the people or borrow money, while any prudent reduction can be made. The present amendment will relieve the Treasury from about $400,000. That sum I would give to those who are not on the list. The money we now pay, I would still pay; but I would distribute it to more individuals. Numbers are not on the list, who have as good a right to be there as those who are now there. In doing this, we do more justice than by keeping the door closed against those who are now without. Still, sir, should the amendment be rejected, I will vote for the bill; and I do so under the full conviction that, even without the amendment, it ought to pass. I offer this amendment for the purpose of saving the bill, as it is well understood that it will be rejected without it.

The amendment was agreed to—18 to 16.

Messrs. SEYMOUR and LANMAN spoke in favor of the bill, and Messrs. MACON and SMITH, of South Carolina, opposed it.

Mr. LLOYD, of Massachusetts, said he considered the amendment adopted by the committee, on motion of the honorable member from Pennsylvania (Mr. LOWRIE) as giving a death blow to the bill. As much as he might feel in favor of any other parts of the bill, he could not vote for it, if that amendment were adopted, which he considered as a breach of faith. The Government having entered into a contract to pay to these pensioners a certain stipulated sum during life, any reduction of that sum would amount to a violation of the faith of the Government. For this reason, he should vote against the bill as amended.

The bill was then reported to the Senate, with the amendment.

The question on adopting the amendment was taken by yeas and nays, and decided in the affirmative, 23 to 22. The vote was as follows:

YEAS—Messrs. Barbour, Barton, Benton, Brown of Louisiana, Brown of Ohio, Chandler, Elliott, Findlay, Gaillard, Holmes of Maine, Holmes of Mississippi, Johnson of Louisiana, Kelly, King of Alabama, Lowrie, Macon, Noble, Palmer, Smith of South Carolina, Taylor of Virginia, Thomas, Van Dyke, and Williams of Tennessee—23.

NAYS—Messrs. Boardman, D'Wolf, Dickerson, Eaton, Johnson of Kentucky, King of New York, Knight, Lanman, Lloyd of Massachusetts, Lloyd of Maryland, Mills, Morril, Parrott, Ruggles, Seymour, Smith of Maryland, Southard, Stokes, Talbot, Van Buren, Ware, and Williams of Mississippi—22.

The question on ordering the bill to be read a third time, was taken by yeas and nays, and decided in the negative, 21 to 24. The vote was as follows:

YEAS—Messrs. Boardman, Chandler, D'Wolf, Dickerson, Findlay, Holmes of Maine, Johnson of Kentucky, King of New York, Knight, Lanman, Lowrie, Mills, Morril, Palmer, Parrott, Ruggles, Seymour, Smith of Maryland, Southard, Stokes, and Van Buren—21.

NAYS—Messrs. Barbour, Barton, Benton, Brown of Louisiana, Brown of Ohio, Eaton, Elliott, Gaillard, Holmes of Mississippi, Johnson of Louisiana, Kelly, King of Alabama, Lloyd of Massachusetts, Lloyd of Maryland, Macon, Noble, Smith of South Carolina, Talbot, Taylor of Virginia, Thomas, Van Dyke, Ware, Williams of Missouri, and Williams of Tennessee—24.

So the bill was rejected.

SATURDAY, February 22.

Mr. PARROTT, from the Committee on Naval Affairs, to which was referred the petition of Robert F. Stockton, late commander of the United States schooner Alligator, made a report, accompanied by a bill for the relief of Robert F. Stockton; the bill was twice read by unanimous consent, and on motion by Mr. PARROTT, the report was ordered to be printed for the use of the Senate.

Mr. BROWN, of Louisiana, presented the petition of Charles Wilkins, praying the payment of the balance ascertained by due course of law to be

due to him, on the settlement of his accounts as contractor. The petition was read, and referred to the Committee of Claims.

Mr. BENTON gave notice that, on Monday next, he should ask leave to introduce a bill to enable the proper accounting officers of the Treasury Department to audit and settle the accounts of the surveyor of public lands in the States of Illinois and Missouri, and Territory of Arkansas, for extra clerk hire in his office.

Mr. LOWRIE submitted the following resolution:

Resolved, That Gales & Seaton be paid, out of the contingent fund, two hundred and fifty dollars, for eight thousand copies of the Message of the President of the United States, for the years 1821 and 1822.

The resolution was read, and passed to the second reading.

The bill, entitled "An act for the relief of Captain Richard Hightower," was read the second time, and referred to the Committee on Military Affairs.

On motion of Mr. WILLIAMS, of Tennessee, the Committee on Military Affairs, to which was referred the memorial of the Legislature of Alabama, praying that the military works for the defence of the bay and harbor of Mobile may be completed, were discharged from the further consideration thereof.

The Senate resumed the consideration of the motion of the 20th instant, for the election of the several officers of the Senate; and, on motion, by Mr. EATON, the further consideration thereof was postponed until Monday next.

The Senate resumed the consideration of the motion for requesting of the President of the United States information relative to the present state and condition of the Mexican empire; and, on motion, by Mr. KING, of Alabama, it was laid on the table.

The Senate resumed the consideration of the motion of the 21st instant, for instructing the Committee on Pensions to report a bill to amend the act to provide for certain persons engaged in the land and naval service of the United States in the Revolutionary war," and the act in addition thereto; and, on motion, by Mr. HOLMES, of Maine, it was laid on the table.

The resolution to compensate Robert Tweedy, and others, assistants to the Sergeant-at-Arms, and Doorkeeper of the Senate, were read the second time.

The Senate resumed the consideration of the report of the Committee on Commerce and Manufactures, who were instructed to inquire into the expediency of making a donation of lands, lying upon the waters of Pearl river, to be appropriated under the direction of the General Assembly of the State of Mississippi, to aid in opening and improving the navigation of said river, from the seat of government of the State, to the Gulf of Mexico; and, on motion, by Mr. HOLMES, of Mississippi, it was laid on the table.

The Senate then, according to the order of the day, resumed the consideration of the resolution offered by Mr. TAYLOR, of Virginia, proposing an amendment to the Constitution of the United States, in regard to the election of President of the United States, together with the several amendments (or substitutes) offered to the resolution, by Mr. DICKERSON and Mr. HOLMES of Maine.

Mr. TAYLOR, of Virginia, rose and spoke some time, in reply to the remarks submitted by Mr. DICKERSON on a former day, and in support of his own proposition, and against that of Mr. DICKERSON.

Mr. SMITH, of Maryland, replied to Mr. TAYLOR, in a speech of about half an hour—advocating Mr. DICKERSON's proposition in preference to Mr. TAYLOR's.

On motion of Mr. EATON, the subject was then laid on the table.

A message from the House of Representatives informed the Senate that the House have passed the bill, entitled "An act appropriating moneys for the purpose of repairing the national road from Cumberland to Wheeling," with amendments, in which they request the concurrence of the Senate. They have passed a bill, entitled "An act extending the time for issuing and locating military land warrants to officers and soldiers of the Revolutionary war;" a bill, entitled "An act making appropriations for the military service of the United States, for the year 1823;" a bill, entitled "An act for the relief of Charles Carr, of Kentucky, late paymaster to Colonel William Dudley's regiment of Kentucky militia;" a bill, entitled "An act for the relief of John B. Hogan;" and, also, a resolution requiring from the Secretary of the Senate and Clerk of the House of Representatives an annual statement of the expenditures from the contingent fund of the two Houses; in which bills and resolution they request the concurrence of the Senate.

The said four bills and resolution were read, and severally passed to the second reading.

The bill, entitled "An act extending the time for issuing and locating military land warrants to officers and soldiers of the Revolutionary war," was read the second time by unanimous consent, and referred to the Committee on Public Lands.

The bill, entitled "An act making appropriations for the military service of the United States, for the year 1823," was read the second time by unanimous consent, and referred to the Committee on Finance.

The bill, entitled "An act for the relief of Charles Carr, of Kentucky, late paymaster to Colonel William Dudley's regiment of Kentucky militia," was read the second time by unanimous consent, and referred to the Committee on Military Affairs.

The bill, entitled "An act for the relief of John B. Hogan," was read the second time by unanimous consent, and referred to the Committee on the Judiciary.

The resolution requiring from the Secretary of the Senate and Clerk of the House of Representatives an annual statement of the expenditures from the contingent fund of the two Houses, was

read the second time by unanimous consent, and referred to the committee appointed to audit and control the contingent expenses of the Senate.

The Senate took up the amendment of the House of Representatives to the Cumberland Road bill, and agreed, without objection, to substitute the word "public" for the word "national," as applied to the road.

On motion of Mr. LOWRIE, the Senate took up the joint resolution directing the printing of a number of copies of the Journal of the Revolutionary Congress; and, after some remarks from Mr. LOWRIE and Mr. HOLMES, of Maine, to show the great value and importance of the work, its scarcity, the impossibility of procuring a copy in the United States, &c., the resolution was ordered to be engrossed for a third reading.

REVOLUTIONARY PENSIONS.

Mr. KELLY rose, and, adverting to the decision of the Senate yesterday, by which the bill from the House of Representatives supplementary to the Revolutionary Pension Acts, was rejected, stated that the subject was one which he had not given much attention to when he was called to vote on it; that subsequent reflection had induced him to mistrust the correctness of the vote he then gave, and he should be glad to have the question more deliberately and maturely decided. He, therefore, (having yesterday voted with the majority,) moved to reconsider the decision of yesterday on the bill.

On this question Mr. NOBLE asked for the yeas and nays.

The question was accordingly taken, and the motion was agreed to—yeas 27, nays 14, as follows:

YEAS—Messrs. Barton, Boardman, Brown of Ohio, Chandler, D'Wolf, Dickerson, Findlay, Holmes of Maine, Kelly, King of Alabama, King of New York, Knight, Lanman, Lloyd of Massachusetts, Lowrie, Mills, Morril, Parrott, Ruggles, Seymour, Smith of Maryland, Southard, Stokes, Talbot, Thomas, Van Buren, and Williams of Mississippi.

NAYS—Messrs. Barbour, Benton, Brown of La., Eaton, Elliott, Gaillard, Holmes of Mississippi, Johnson of Louisiana, Macon, Noble, Taylor of Indiana, Taylor of Virginia, Ware, and Williams of Tenn.

So it was agreed that the Senate reconsider the vote; and, on motion, by Mr. KELLY, the further consideration of the bill, as amended, was postponed to and made the order of the day for Monday next.

JURISDICTION OF JUSTICES OF PEACE.

At the request of Mr. BARBOUR, the Senate took up the bill from the other House to extend the jurisdiction of justices of the peace, in the District of Columbia, to debts of fifty dollars.

On this bill a good deal of debate took place, as well on its details, to which amendments were offered, as on its constitutionality and expediency. Messrs. BARBOUR and SOUTHARD were the principal supporters of the bill; Mr. SMITH, of South Carolina, opposed it altogether; and Messrs. EATON, MILLS, BARTON, and JOHNSON, of Kentucky, entered principally into the discussion of questions of detail.

Amongst the amendments agreed to, was one offered by Mr. SOUTHARD, exempting from execution the necessary beds, bedding, wearing apparel, and one cow, of the debtor; and this was extended, on the motion of Mr. MILLS, to exempt, also, the tools and implements of trade of the debtor.

Amongst the amendments offered to the bill was the following, by Mr. JOHNSON, of Kentucky, which he earnestly supported:

"And in no case, arising under this act, shall any person whatever be subject to arrest upon mesne process, or to any execution against the body, after rendering the judgment."

Before the question was taken on this amendment, a motion was made to adjourn; and the Senate adjourned.

MONDAY, February 24.

The PRESIDENT communicated the credentials of JOHN TAYLOR, appointed a Senator by the Legislature of the State of Virginia, for the term of six years, commencing on the fourth day of March next; and also, the credentials of NEHEMIAH R. KNIGHT, appointed a Senator by the Legislature of the State of Rhode Island and Providence Plantations, for the same term of six years; which were severally read, and laid on file.

Mr. WILLIAMS, of Tennessee, from the Committee on Military Affairs, to which was referred the bill, entitled "An act for the relief of Captain Richard Hightower," reported the same without amendment.

Mr. JOHNSON, of Louisiana, presented the resolutions of the Legislature of the State of Louisiana, in relation to a mail route, proposed from Washington to New Orleans; which was read, and laid on the table.

Mr. VAN DYKE, from the Committee on Public Lands, to which was referred the bill, entitled "An act extending the time for issuing and locating military land warrants to officers and soldiers of the Revolutionary war," reported the same without amendment.

Mr. BARTON submitted the following motion for consideration:

Resolved, That the President of the United States be requested to procure, and lay before the Senate, at the next session of Congress, the originals or copies of all the contracts for surveying the public lands, made by the Surveyor General of Illinois, Missouri, and Arkansas, since the first day of January, 1819.

Mr. RUGGLES, from the Committee of Claims, to which was recommitted the report of said committee on the petition of Joseph S. McPherson, with additional testimony, made a report, accompanied by a resolution, that the prayer of the petitioner ought not to be granted.

Mr. BENTON asked and obtained leave to introduce a bill to enable the proper accounting officers of the Treasury Department to audit and settle the accounts of the Surveyor of Public Lands in the States of Illinois and Missouri, and Territory

of Arkansas, for extra clerk hire in his office; and the bill was twice read by unanimous consent, and referred to the Committee on Public Lands.

Mr. MACON, from the Committee on the Contingent Expenses of the Senate, to which was referred the resolution requiring from the Secretary of the Senate and Clerk of the House of Representatives, an annual statement of the expenditures from the contingent fund of the two Houses, reported the same without amendment.

On motion, by Mr. VAN DYKE, the Committee on Public Lands, to which was referred the petition of George Gatty, were discharged from the further consideration thereof.

The Senate resumed the consideration of the report of the Committee on Finance, to which was referred the memorial of Lewis A. Petray and Just Viel; and, on motion, by Mr. SMITH, of South Carolina, it was laid on the table.

On motion, by Mr. VAN DYKE, the Committee on Public Lands, to which was referred the resolution of the Legislature of the State of Louisiana, instructing their Senators and requesting their Representatives in Congress, in relation to the lands reserved for schools in that State, were discharged from the further consideration thereof.

The resolution to pay Gales & Seaton for certain copies of the Messages of the President of the United States, was read the second time.

The Senate resumed the consideration of the motions of the 20th instant, for the election of the several officers of the Senate; and, the first motion having been amended, on motion, by Mr. TALBOT, they were laid on the table.

The resolution directing the printing of the Journal of Congress, from the fifth day of September, 1774, to the third day of November, 1786, was read a third time, and passed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to authorize the building a lighthouse at Cape Romain, in South Carolina, and placing floating lights in Delaware Bay; whereupon, Mr. DICKERSON, from the Committee on Commerce and Manufactures, submitted, as an amendment, a new draft of a bill; which was read, and ordered to be printed for the use of the Senate, and the further consideration thereof was postponed to, and made the order of the day for, to-morrow.

The Senate resumed the consideration of the engrossed bill to amend an act, entitled "An act for ascertaining claims and titles to land in the Territory of Florida," approved the 8th of May, 1822,; and the bill was read a third time, and passed.

A message from the House of Representatives informed the Senate that the House concur with the Senate in the 1st, 2d, 3d, 4th, 5th, 8th, 10th, 11th, 12th, 13th, 15th, 17th, and 18th, and disagree to the 6th, 7th, 9th, 14th, and 16th of their amendments to the bill, entitled "An act supplementary to, and to amend, an act, entitled 'An act to regulate the collection of duties on imports and tonnage,' passed 2d March, 1799, and for other purposes." They have passed a bill entitled "An act for the discharge of John Burgin from imprisonment;" and also a bill, entitled "An act respecting stamps;" in which bills they request the concurrence of the Senate.

The two last mentioned bills were read, and severally passed to the second reading.

Mr. HOLMES, of Maine, from the Committee on Finance, to which was referred the bill, entitled "An act making appropriations for the support of Government for the year 1823," reported the same with an amendment, which was read.

The bill entitled "An act for the discharge of John Burgin from imprisonment," was read the second time by unanimous consent, and referred to the Committee on the Judiciary.

The bill entitled "An act respecting stamps," was read the second time by unanimous consent, and referred to the same Committee.

JURISDICTION OF JUSTICES OF PEACE.

The Senate resumed the consideration of the bill to extend the jurisdiction of justices of the peace, within the District of Columbia, to fifty dollars, &c.—the question being on the amendment offered by Mr. JOHNSON, of Kentucky, to exempt the debtor from imprisonment, for any sum not above twenty dollars, exclusive of costs.

Much debate followed on this amendment; in the course of which, various modifications and substitutes were offered for it; and it was finally agreed to, substantially, as stated above.

An amendment was also adopted, on motion of Mr. HOLMES, of Maine, exempting from imprisonment, under any process, issued by virtue of this act, the persons of all females whatsoever, and all males over 70 years of age. In support of this amendment Mr. H. adduced the example of the Napoleon Code.

Various other amendments were offered, some of which were agreed to and others lost. Amongst those which were unsuccessful, was one offered by Mr. SOUTHARD, which proposed to strike out all of the bill allowing a jury trial before a justice of the peace, and substituting sections, providing that where the parties to a debt above $20, did not consent to waive a jury trial, then the case should be referred to the court of the county; this amendment was lost by two votes.

In the discussion of the amendment, above stated, and referred to, Messrs. BARBOUR, SOUTHARD, MILLS, EATON, LLOYD, of Maryland, TALBOT, JOHNSON, of Kentucky, MACON, MORRIL, and LANMAN, engaged most actively.

In the end, the bill was ordered to be read a third time, as amended.

CASE OF DIVORCE.

The Senate then took up the bill to divorce John Wheelwright, of Alexandria, and Caroline Eliza Wheelwright his wife.

Mr. W. petitions for a divorce, on the ground of the insanity of his wife, at the time of his marriage, (though then to him unknown); of the increase of the malady until it became entirely settled and confirmed; of its having now continued for several years, and the belief, (in which he has the opinion of the physicians in whose care she

has been long placed,) that the insanity is incurable.

A long and feeling debate took place on this bill—chiefly on these points: Whether the insanity actually existed at the time of marriage, so as to render the contract void; whether an affliction of this character ought to dissolve the marriage contract; whether, if it was entitled to relief, the tribunal appointed for the purpose of granting such relief in the State of Massachusetts, (where the marriage was contracted) was not the proper place for the petitioner to seek it; whether it was right for Congress to grant divorces at all, (it has never yet granted one,) &c. It was agreed, on all hands, the facts being generally admitted, that it was a case of great hardship. Messrs. BARBOUR and SOUTHARD advocated the bill with much earnestness. It was opposed by Messrs. KING, of New York, BENTON, MILLS, HOLMES, of Maine, and CHANDLER. Mr. LLOYD, of Massachusetts, without taking sides on the bill, spoke in corroboration of the facts set forth by the petitioner, and as to the great respectability of the connexions of the lady residing in Boston.

The question being taken on ordering the bill to be engrossed and read a third time, it was decided in the negative by yeas and nays, as follows:

YEAS—Messrs. Barbour, Barton, D'Wolf, Dickerson, Eaton, Johnson of Kentucky, Johnson of Louisiana, Kelly, Knight, Lanman, Noble, Parrott, Southard, Talbot, Taylor of Indiana, and Williams of Tennessee—16.

NAYS—Messrs. Benton, Boardman, Brown of Ohio, Chandler, Elliott, Findlay, Gaillard, Holmes of Maine, Holmes of Mississippi, King of Alabama, King of New York, Lloyd of Maryland, Lloyd of Massachusetts, Macon, Mills, Morril, Palmer, Seymour, Smith of South Carolina, Stokes, Taylor of Virginia, Thomas, Van Buren, Van Dyke, Ware, and Williams of Mississippi—26.

So the bill was rejected.

The bill (reported by the Committee of Claims, according to instructions) for the relief of Colonel James Morrison, was, at the motion of Mr. JOHNSON, of Kentucky, taken up; and, having been considered in Committee of the Whole, was ordered to a third reading.

TUESDAY, February 25.

The PRESIDENT laid before the Senate, a communication from R. R. Henry, relative to malpractices in office of Archibald Clark, collector of the port of St. Mary's, in Georgia; which was read, and referred to the President of the United States.

On motion, by Mr. BARBOUR, the Committee on Foreign Relations, to which was referred the resolution of the Senate, in relation to the territories of the United States, on the Northwest Coast of America, was discharged from the further consideration thereof.

Mr. RUGGLES, from the Committee of Claims, to which was referred the bill for the relief of Nimrod Farrow, Richard Harris, and their securities, reported the same, with amendments; which were read.

On motion, by Mr. HOLMES, of Maine, the Committee on Finance, to which was referred the memorial of the President and Directors of the Bank of the United States; the memorial of Thomas Napier, and others, merchants, of Charleston; and, also, the resolution of the Legislature of Alabama, instructing their Senators and requesting their Representatives to endeavor to procure the passage of a law imposing a tonnage duty on all vessels coming into the ports of Mobile and Blakely, were discharged from the further consideration thereof, respectively.

On motion, by Mr. DICKERSON, the Committee on Commerce and Manufactures, to which was referred the petition of Watson Atkinson; the memorial of the Pennsylvania Society for the Encouragement of Domestic Manufactures; the memorial of Henry Huber, and others, manufacturers of bridle bits, &c.; and, also, the memorial of Daniel Dunham, praying that certain privileges may be conferred on the steamship Robert Fulton, were discharged from the further consideration thereof, respectively.

Mr. DICKERSON, from the Committee on Commerce and Manufactures, to which was referred the petition of sundry merchants, and others, of the collection district of Richmond, in the State of Virginia, praying that a marine hospital may be established in that district, made a report, accompanied by a resolution, that the prayer of the petitioners ought not to be granted.

The Committee of Claims, to which was referred the petition of Charles Wilkins, were discharged from the further consideration thereof.

On motion by Mr. BROWN, of Ohio, the Committee on Roads and Canals, to which was referred the petition of the president and directors of the Chesapeake and Delaware Canal Company; the resolution of the Senate in relation to the stock of the Company making a Canal from the Delaware river to the Rariton; the resolution of the Senate in relation to stock in any company which has been incorporated within the United States for the improvement of internal commerce and navigation; and, also, the report of the commissioners appointed by the States of Maryland and Virginia, to examine the affairs of the Potomac Company, and to survey the Potomac river, were discharged from the further consideration thereof, respectively.

Mr. VAN DYKE, from the Committee on Public Lands, to which was referred the bill to enable the proper accounting officers of the Treasury Department to audit and settle the accounts of the Surveyor of Public Lands, in the States of Illinois and Missouri, and Territory of Arkansas, for extra clerk hire in his office, reported the same without amendment.

Mr. HOLMES, of Maine, from the Committee on Finance, to which was referred the bill, entitled "An act making appropriations for the military service of the United States, for the year 1823," reported the same without amendment.

Mr. VAN BUREN presented the petition of Daniel Brown, praying the passage of a law authorizing the equitable settlement of his accounts. The

petition was read, and referred to the Committee of Claims.

The Senate resumed the consideration of the report of the Committee of Claims, to which was recommitted the report of said committee on the petition of Joseph S. McPherson, with additional testimony; and, in concurrence therewith, resolved that the prayer of the petitioner ought not to be granted.

The Senate resumed the consideration of the motion of the 24th instant, for requesting information in relation to the contracts for surveying the public lands of Illinois, Missouri, and Arkansas, since the first day of January, 1819; and agreed thereto.

A message from the House of Representatives informed the Senate that the House have passed the bill which originated in the Senate, entitled "An act for the relief of Samuel F. Hooker," with an amendment, in which they request the concurrence of the Senate. They have passed a bill, entitled "An act making further appropriations for the military service of the United States for the year 1823;" a bill, entitled "An act to abolish the office of measurer;" a bill, entitled "An act altering the time of holding the Circuit Court in the District of Maine and New Hampshire;" and, also, a bill, entitled "An act for the relief of Nimrod Farrow and Richard Harris;" in which bills they request the concurrence of the Senate.

The four bills last mentioned were read, and severally passed to the second reading.

The bill entitled "An act making further appropriations for the military service of the United States for the year 1823," was read the second time, by unanimous consent, and referred to the Committee on Finance.

The bill entitled "An act to abolish the office of measurer" was read the second time, by unanimous consent, and referred to the Committee on Finance.

The bill entitled "An act altering the time of holding the circuit court of the district of Maine and New Hampshire" was read the second time, by unanimous consent, and referred to the Committee on the Judiciary.

The bill entitled "An act for the relief of Nimrod Farrow and Richard Harris" was read the second time, by unanimous consent, and referred to the Committee of Claims.

Mr. SMITH, of South Carolina, from the Committee on the Judiciary, to which was referred the bill, entitled "An act for the relief of John B. Hogan," reported the same without amendment.

Mr. VAN DYKE presented a remonstrance, signed by a number of the inhabitants of Alexandria, against the bill to extend the jurisdiction of justices of the peace in the recovery of debts in the District of Columbia; which was read, and laid on the table.

The Senate proceeded to consider their amendment to the bill, entitled "An act supplementary to and to amend an act, entitled 'An act to regulate the collection of duties on imports and tonnage,' passed the 2d March, 1799, and for other purposes," disagreed to by the House of Representatives. Whereupon, the Senate receded from the said amendments.

The following Message was received from the PRESIDENT OF THE UNITED STATES, and read:

To the Congress of the United States:

I transmit to Congress the general returns of the militia of the several States and Territories, for the year 1823, with an account of the arms, accoutrements, ammunition, ordnance, &c., belonging to each, as far as the returns have been received, in compliance with the provisions of the act of 1803.

JAMES MONROE.

FEBRUARY 25, 1823.

The Senate proceeded to consider the amendment of the House of Representatives to the bill, entitled "An act for the relief of Samuel F. Hooker," and concurred therein.

The amendments to the bill, entitled "An act to extend the jurisdiction of justices of the peace in the recovery of debts in the District of Columbia," having been reported by the Committee correctly engrossed, the bill was read the third time as amended, and passed.

The bill for the relief of James Morrison was read a third time, and passed.

Mr. NOBLE, from the Committee on Pensions, laid before the Senate certain documents from the War Department, in relation to Revolutionary pensioners; which were read, and ordered to be printed for the use of the Senate.

The Senate took up the bill authorizing the President of the United States to employ an engineer to examine and select the most suitable site for a National Armory on the Western waters, and appropriating $25,000 for the purchase of such site, &c.

No objection being made to this bill, the question was taken on ordering it to be engrossed for a third reading, and was carried, with only two or three dissenting voices.

The Senate then resumed the consideration of the bill to authorize the building of certain lighthouses, and the substitute reported thereto by Mr. DICKERSON, from the Committee of Commerce and Manufactures.

The substitute embraced a considerable number of lighthouses, in addition to those proposed by the original bill, and in discussing the questions they severally presented, near an hour was occupied; in the end, the details of the bill were got through, and the bill was ordered to be engrossed for a third reading.

LOUISIANA LAND TITLES.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to enable the holders of French, British, and Spanish titles to land, within the State of Louisiana, which have not been recognised as valid by the Government of the United States, to institute proceedings to try the validity thereof, and for other purposes; together with the amendments reported thereto by the Committee on Public Lands.

Mr. JOHNSON, of Louisiana, explained the objects of the bill, and urged the importance of act-

ing on the subject at the present session. He thought it was not only the duty but the interest of the Government to provide for the adjustment of the claims embraced by the bill. If they are not valid, they belong to the United States, and should be brought into market, which could not be done until they are decided on. But he complained of the injury done to Louisiana, by keeping large claims of land waste, within the limits of the State. Emigration had then been checked, and the prosperity of the country retarded. He said, when the subject was under consideration some days since, he had proposed to exclude from the operation of the bill three large claims known by the names of Bastrop's, Maison Rouge's, and Houmas's, not because he had changed his opinion since he introduced the bill, but because he understood it to be the opinion of the Committee on Public Lands to whom the bill was referred, that it was expedient to provide for their decision in a separate bill. But as no such bill had been since introduced for the purpose, he was now opposed to the amendment under consideration, reported by the Committee on Public Lands, which proposed to exclude these claims from the operation of the bill. He considered it of the first importance in every point of view, that these claims should be also adjusted without further delay.

Upon this amendment a discussion arose, which occupied more than three hours. It was ultimately adopted—ayes 27, noes 10.

It appeared to be the opinion of the several members, that the three claims alluded to, should not be referred to the Judiciary, but be decided on by Congress itself; though the Senate seems to have acted on the ground that it was expedient to provide for their adjustment by a separate bill.

The gentlemen who spoke in favor of including the three large claims, named above in the bill, were Messrs. JOHNSON of Louisiana, VAN DYKE, BROWN of Louisiana, SMITH of Maryland, and MILLS; and those who opposed it were Messrs. TAYLOR of Virginia, VAN BUREN, EATON, LANMAN, BARBOUR, and CHANDLER.

After considerable discussion on other details of the bill, and the adoption of several amendments; and after rejecting a motion to postpone the bill indefinitely, the question was put on engrossing the bill for a third reading, and was decided in the affirmative by yeas and nays—yeas 28, nays 6, as follows:

YEAS—Messrs. Barbour, Barton, Benton, Brown of Louisiana, Brown of Ohio, Elliott, Findlay, Gaillard, Holmes of Maine, Johnson of Kentucky, Johnson of Louisiana, Kelly, King of Alabama, King of New York, Lloyd of Massachusetts, Macon, Mills, Noble, Palmer, Seymour, Smith of Maryland, Stokes, Taylor of Indiana, Taylor of Virginia, Thomas, Van Buren, Van Dyke, and Williams of Mississippi.

NAYS—Messrs. Boardman, Chandler, Dickerson, Lanman, Morril, and Smith of South Carolina.

WEDNESDAY, February 26.

The PRESIDENT communicated a letter from E. Causici, in relation to a model for a clock; which was read, and referred to the Committee on Finance.

Mr. SMITH, of South Carolina, from the Committee on the Judiciary, to which was referred the bill, entitled "An act respecting stamps;" the bill, entitled "An act altering the time of holding the Circuit Court in the districts of Maine and New Hampshire;" and also the bill, entitled "An act for the relief of Abraham Snyder;" reported the same, respectively, without amendment.

The Senate resumed the consideration of the report of the Committee of Commerce and Manufactures, to which was referred the petition of sundry merchants, and others, of the collection district of Richmond, in the State of Virginia, praying that a Marine Hospital may be established in that district; and on motion, by Mr. BARBOUR, it was laid on the table.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to authorize the building a lighthouse at Cape Romain, in South Carolina, and placing floating lights in Delaware Bay, together with the amendment proposed thereto; and, the same having been agreed to, the bill was reported to the House, amended accordingly; and, the amendment being concurred in, the bill was ordered to be engrossed, and read a third time.

The Senate took up such of their amendments to the bill extending the jurisdiction of justices of the peace in the District of Columbia as had been disagreed to by the House of Representatives.

After some discussion, the Senate insisted on so much of their amendment as exempts all women, and all men over seventy years, from imprisonment under this act, and receded from so much of the said amendment as exempts other persons from imprisonment for sums not exceeding twenty dollars.

The bill to enable the holders of French, British, and Spanish titles to land within the State of Louisiana, which have not been recognised as valid by the Government of the United States, to institute proceedings to try the validity thereof, and for other purposes, was read a third time, and passed.

The bill to establish a national armory on the Western waters was read a third time; and, the bill having been amended by unanimous consent, it was passed.

Mr. PARROTT, from the Committee on Naval Affairs, to which was referred the bill entitled "An act making appropriations for the support of the Navy of the United States, for the year 1823," reported the same, with amendments; which were read; and, on his motion, the bill, together with the amendments, were taken up and considered as in Committee of the Whole, and the further consideration thereof was postponed to and made the order of the day for to-morrow.

Mr. SMITH, of Maryland, submitted the following motion for consideration:

Resolved, That the Secretary of War be directed to lay before the Senate, during the present session, the number of officers and soldiers disabled in the service of the United States, in the late war, who have been

placed on the pension list since the last session of Congress, together with their names, the State to which each one belongs, the amount of each pension, at what office paid, at what time each application was accepted at the Department, or if any are carried back beyond the time of accepting their application, and how far, and whether they are of total or partial disability, and how the disability was ascertained.

Agreeably to the notice which he gave yesterday, Mr. HOLMES, of Maine, moved that the Senate now proceed to the election of a Printer, for the Senate, for the next Congress.

The Senate accordingly proceeded to ballot, and the following was the result:

For Gales & Seaton - - - - - 40 votes.
For other persons - - - - - - 3 votes.

Mr. SMITH, of South Carolina, reported a bill for the relief of Anne Dubord; which was twice read.

A message from the House of Representatives informed the Senate that the House disagree to the first amendment of the Senate to the bill, entitled "An act to extend the jurisdiction of justices of the peace, in the recovery of debts, in the District of Columbia," and agree to the residue of the said amendments. They have passed a bill, entitled "An act making appropriations for certain fortifications of the United States, for the year 1823, and for other purposes;" a bill, entitled "An act further to prolong the continuance of the Mint at Philadelphia;" a bill, entitled "An act to continue in force an act, entitled 'An act regulating the currency within the United States, of the gold coins of Great Britain, France, Portugal, and Spain, and the crowns of France, and five franc pieces,' passed on the 29th day of April, 1816, so far as the same relates to the crowns of France, and five franc pieces;" a bill, entitled "An act making the gold coins of Great Britain, France, Portugal, and Spain, receivable in payments on account of public lands;" a bill, entitled "An act for carrying into effect the Convention of Navigation and Commerce between the United States and France, concluded at Washington, on the 24th day of June, 1822;" a bill, entitled "An act to amend the ordinance, and acts of Congress, for the government of the Territory of Michigan, and for other purposes;" a bill, entitled "An act respecting the punishment of piracy;" a bill, entitled "An act further to extend the provisions of the act entitled 'An act supplementary to an act entitled an act for the relief of the purchasers of the public lands prior to the first of July, 1820;'" and, also, a resolution concerning the Indians in the Territory of Florida; in which bills and resolution they request the concurrence of the Senate. The eight bills and resolution last mentioned were read, and severally passed to the second reading.

The bill, entitled "An act making appropriations for certain fortifications of the United States, for the year 1823, and for other purposes;" the bill, entitled "An act further to prolong the continuance of the mint at Philadelphia;" the bill, entitled "An act to continue in force an act entitled 'An act regulating the currency within the United States of the gold coins of Great Britain, France, Portugal, and Spain, and the crowns of France, and five franc pieces,' passed on the 29th day of April, 1816, so far as the same relates to the crowns of France, and five franc pieces;" and, also, the bill, entitled "An act making the gold coins of Great Britain, France, Portugal, and Spain, receivable in payments on account of public lands;" were severally read the second time by unanimous consent, and respectively referred to the Committee on Finance, to consider and report thereon.

The bill, entitled "An act for carrying into effect the Convention of Navigation and Commerce between the United States and France, concluded at Washington, on the 24th day of June, 1822," was read the second time by unanimous consent, and referred to the Committee on Foreign Relations.

The bill, entitled "An act further to extend the provisions of the act entitled 'An act supplementary to an act entitled an act for the relief of the purchasers of the public lands prior to the 1st of July, 1820,'" was read the second time by unanimous consent, and referred to the Committee on Public Lands.

The bill, entitled "An act to amend the ordinance and acts of Congress for the government of the Territory of Michigan, and for other purposes;" and, also, the bill, entitled "An act respecting the punishment of piracy;" were severally read the second time by unanimous consent, and respectively referred to the Committee on the Judiciary.

The resolution concerning the Indians in the Territory of Florida, was read the second time, by unanimous consent, and referred to the Committee on Indian Affairs.

On motion by Mr. BENTON, the Senate resumed, as in Committee of the Whole, the consideration of the bill to authorize the recorder of land titles in the State of Missouri to examine into the number and state of the unconfirmed French and Spanish land claims in the State of Missouri, and to report the same to the Congress at their next session; and the same having been amended, it was reported to the House accordingly; and, the amendment being concurred in, the bill was ordered to be engrossed and read a third time.

REVOLUTIONARY PENSIONS.

The Senate resumed the consideration of the bill from the House of Representatives, supplementary to the acts providing pensions for Revolutionary services.

[This bill provides, principally, that the Secretary of War shall restore to the list of pensioners the name of any person who may have been, or hereafter shall be, stricken therefrom, in pursuance of the act of Congress of the 1st day of May, 1820, if such person, so stricken from the list of pensioners, has heretofore furnished, or hereafter shall furnish, evidence, in pursuance of the provisions of said act, to satisfy the Secretary of War that he is in such indigent circumstances, as to be unable to support himself without the assistance

of his country. The third section provides that provisions granted upon other and different schedules than those heretofore exhibited by the same applicants, shall commence from the time such schedules shall be filed in court. In addition to these provisions, a clause has been adopted in the Senate, reducing twenty per cent. all pensions which have heretofore, or may hereafter be, allowed.]

On motion of Mr. KELLY, the third section was stricken out, and a substitute adopted, providing that no pension hereafter allowed under this act on claims heretofore filed, shall commence prior to the passage of this act; and that all other pensions hereafter allowed shall commence from the time of completing the proof.

Mr. KELLY offered another amendment proposing to equalize the pensions of the officers and privates, after the 4th of September next; but this proposition was negatived.

On these amendments, and on the merits of the bill itself, much debate took place, in which Messrs. KELLY, SMITH of Maryland, TAYLOR of Virginia, VAN BUREN, MACON, and NOBLE, largely participated.

Mr. KELLY, of Alabama, said that, having heretofore moved the reconsideration of this bill, he considered it a duty to the nation, the Senate, and himself, to explain the grounds upon which he had acted, and the reasons by which he was now governed. When this bill was called up for consideration in the Senate, said Mr. K., I had not examined its particular provisions, nor had I examined the acts of 1818 and 1820, on the subject of Revolutionary pensions. The act of 1818 gave a pension of eight dollars a month to soldiers, and twenty to officers, in the continental line, who had served nine months during the war of the Revolution, and were in such reduced circumstances as to need the aid of their country.

Under this law, twenty-nine thousand nine hundred and eighty-seven persons applied for pensons; and, of that number, eighteen thousand eight hundred and seventy-eight were successful. In 1820, apprehending that frauds had been committed, all pensions granted under the act of 1818 were suspended until schedules of the property of each pensioner should be taken and returned to the War Department.

On the return of the schedule, the Secretary of War was directed to continue such as, in his opinion, were entitled to the benefits of the act of 1818, and strike from the list such as were not. Under this act twelve thousand five hundred and twenty-nine were continued, and two thousand three hundred and twenty-eight, who returned schedules, were stricken from the list, because they had too much property, and four thousand two hundred and twenty-one have not yet returned schedules. The first section of the present bill requires the Secretary to re-examine the cases of those stricken from the list, and if now found to be sufficiently poor, to replace them on the pension list. The second section relates to the mode of making proof, where the applicant is unable to attend court. The third section regulates the time at which the pensions of those hereafter placed on the list shall commence. And the fourth section, from and after the 4th of September next, reduces all pensions under the acts aforesaid, twenty per cent. My object was, in the vote heretofore given, to relieve the Treasury from part of the enormous burden of the Revolutionary pension list, already swelled to upwards of $1,000,000; and I voted against the bill, under the belief that my object would be effected. I was not as well satisfied at the time, as I would wish to be, when voting upon all subjects of such importance.

Although the subject may have been, and perhaps was, well elucidated in the former debate, yet I had not time to make calculations for myself; and, amidst the conflict of opinions, then advanced, I am now satisfied that I came to an erroneous conclusion. It was urged on one hand, that, to pass the bill would open an additional drain upon the Treasury for two or three hundred thousand dollars; and, on the other, it was contended, that it would save that much, or more, annually. To ascertain which of these opinions is correct, it is necessary to examine the provisions of the present bill with some care.

Who can be placed on the pension list by it that could not otherwise get on? The answer to this question is obvious and easy. The 2,328 who have returned schedules, and been stricken from the list, may get replaced. I think it a fair presumption, that a greater proportion of that class will succeed in getting replaced than any other description of applicants. Admit, for argument, that the whole number will be replaced, and it will require something upwards of $200,000 to pay them. This sum, then, is the greatest possible expenditure that can be incurred by the passage of the bill in question.

How will the case stand in the event of rejection? In the first place the 4,221, who were on the list, and have not yet returned schedules under the act of 1820, may do so at any time they choose, as they are daily and patriotically becoming poor enough to pass muster; and whenever their poverty is established *secundum artem*, the law is inexorable, and the Secretary must replace them on the list; and, in that event, they draw their pension back to 1820, the date of their last payment. There are also the 11,109 rejected applicants under the law of 1818. They may also become poor enough to succeed; and, if so, their pension will commence from the time of filing their affidavit in court—in many cases, as far back as 1818, and in all prior to 1820. These two classes amount to 15,430. Will they continue their efforts? The nature of man forbids the idea of their idleness in *worming* themselves into the Treasury. The temptation of receiving several hundred dollars at one time is too strong to be resisted. Property will disappear in a thousand *honest* ways, and poverty will be achieved when so great a reward awaits it. How many of these 15,330 will reappear, it is impossible to say; but it is surely a safe calculation to suppose, that at least as many of that number will get on the

list as there will of the 2,529 provided for by the present bill; and if so, it is obvious that, as the case now stands, it will require at least three times the sum to pay them, as they will be entitled to three years' pension whenever replaced on the list.

It never could have been the intention of the act of 1818 to place so much money in the hands of the pensioner at one time. The present bill guards against that result, and I consider it of great importance to the country to legislate on that subject. In a fiscal point of view, thereby cutting off these back pensions, a sum will be saved to the Treasury more than sufficient to pay so many as may get on the list by the provisions of this bill.

I believe, Mr. President, that the third section of the bill does not express the sense of the Senate in relation to back pensions. If I am not mistaken, the Senate intended to destroy their retroactive quality in all cases. As that section now stands, such pensions as may be allowed on schedules already filed, will not be covered by its language, and of course such cases will be regulated by the former laws on the subject. I wish myself to prevent the retroaction in all cases, and shall therefore propose a substitute for that section before the vote is taken on the passage of the bill.

I wish to modify the bill in other respects, and make a further reduction of the amount of pensions, being well convinced that the sum allowed is too large, even when reduced twenty per cent., and, if the rules of the Senate will admit, I would propose a substitute for the amendment adopted the other day in relation to the reduction of 20 per cent., reducing the soldiers still lower, and reducing the officers to the same sum allowed the soldier. [Here the President informed Mr. Kelly that it was too late to move a reconsideration of the vote on the amendment, as more than three days had elapsed.]

As I am precluded by the rules of correct legislation, said Mr. K., from approaching my object in that way, I must abandon a further reduction as to the soldiers, and move an additional section to the bill in relation to the officers. The difference made between them in the act of 1818, is unjust itself, and destitute of any rational foundation. I grant, while in service, and for time afterwards, there is a difference that ought to be observed; but, after mingling with the world for forty years, every trace of difference must be obliterated, and entirely destroyed. Have not some of the officers degraded themselves, by intemperance and other vices? And have not many of the soldiers attained the highest honors and distinctions of their country? Where, then, is the ground of distinction? There is none in the character or merit of the parties, and there should be none in the bounty of the Government. If reduced to want, the same sum will spread a frugal repast for an officer that will for a soldier.

No difference should have been made originally, and, notwithstanding it has been done by a former Congress, I not only feel authorized, but bound, by the strong dictate of duty, to urge its abolition, by reducing the officers to the sum allowed to the soldiers.

It is said, however, that the faith of the Government is pledged upon this subject, and that a reduction of the sum promised involves its violation. I am not of that opinion.

I admit, in its full and fair extent, the obligation of the Government to respect, under all circumstances, the rights of property in the citizen. It is upon that basis that free Government is erected. It is the criterion by which it is distinguished from despotism; but, while I admit this principle, and acknowledge its influence, I feel bound to examine with care the case on which it is to operate.

By the rules of the civil law, the fairness and deliberation with which the assent was given, constituted the essence of the obligation. Try the case by this rule:

In 1818 the Treasury was full, and the nation, like a generous spendthrift, sought objects of munificence. It was thought the few remaining heroes of the Revolution could be rendered comfortable in the evening of life, by applying at the utmost four hundred thousand dollars per annum of the public money; and those who passed the law of 1818, had no idea that more than that sum would be required.

They deliberately promised to go that far, but unfortunately used general and unguarded terms, which, by sad experience, has been found to require an expenditure of almost five times the sum expected to be sufficient for all the purposes of the act. Can it be said the nation deliberately and fairly promised to appropriate one million eight hundred thousand per annum? Did such an idea enter the minds of those who passed the law? It cannot be believed for a moment. The clear mistake as to the number of pensioners destroys the fairness of the promise, and strips the transaction of that sacred character which had been given to it in argument. By the common law, the consideration upon which a promise is founded is essential to its validity.

What is the consideration here? Not the pay they earned during the war that had either been received, or the claim for it existed against the Government in the form of a specific debt, and would have been so paid, if such had been the case. The truth is, there is no consideration; it originally was, and yet is, a mere gratuity on the part of the Government, and, unless some rule can be found which will bind the Government, when an individual would not be bound by a promise made under similar circumstances, there is no ground for charging the Government with a breach of faith in reducing the pensions so unguardedly and unfortunately promised.

It will not be pretended that an individual would not be at liberty to withhold or reduce these pensions, if he had promised to pay them instead of the Government. The known maxim—"*ex nudo pacto non oritur actio*"—would protect him, and give him the control of the subject, until the money was paid—when paid, the right to hold it would be complete, and not till then. A voluntary gift, if delivered, is good; but, if not delivered, may be

revoked. The contract, if it may be so called, is not binding until it is executed by delivery of the sum promised. Suppose the act of 1818 had given, or rather promised, a million of dollars to each pensioner, will any one pretend that the nation, at the expense of irredeemable beggary, would be bound to fulfil such a promise? Could public faith be pressed into service in such a case? Could it be said that the President should be mustered out of service, the temple of justice closed, and the hall of legislation abandoned? Should all the institutions of the country be sacrificed, for fear of being charged with a violation of public faith? In such a case there can be but one opinion. The recuperative energies of the nation should be manifested in revoking the rash promise. This may, he said, be reasoning from an extreme case. Still, the case supposed, and that under consideration, are parallel in all their principles. They differ only in the extent of enormity. In the one case the revenue would be entirely diverted from its legitimate destination; and in the other, it would be so far crippled as to compel the nation to borrow the means of living in time of peace.

Can such a state of things be sustained? Can this nation borrow the means of support, and continue to exist?

Upon the whole, Mr. President, I am well satisfied that the pensions in question may be reduced, without impugning or impairing public faith. The next question relates to the policy of the measure: Upon this part of the case, it cannot be said that Congress intended to do more by the act of 1818, than to furnish the objects of their bounty with a frugal supply of the table. Money was more abundant then than at any other period of our history, and the price of living proportionably high. The sum allowed was graduated by the folly and extravagance of the times, and although Congress have mentioned a given number of dollars, still I think it obvious, that they intended only to give the means of a comfortable and frugal support; so far from impugning public faith, it will be carrying the real intention of the law into fair and vigorous execution, to allow as much money now as would procure, at the present reduced price of living, as comfortable a support as the sum allowed in 1818 would then command.

The soldier can have no well-founded cause of complaint in adopting this course. I feel convinced that he would be satisfied with it.

I do not hesitate to avow that I am opposed to the policy in which the act of 1818 originated. The avowed object of the law was to enlarge the circle of human happiness. My observation on the movements of human nature, forbids the belief that that Utopian notion ever has, or can be realized by the distribution of public money. I entertain the fullest conviction, that, on the contrary, human vices have been cultivated, and human misery extended, by the law in question; and that the same consequences will follow every visionary attempt of the kind—that the retailer and tapster have enjoyed the benefits of the law, and the immediate objects of its bounty have become more vicious and miserable than they were at its passage. I am clearly then in favor of reducing this item of public expenditure. Will the present bill achieve my object? Two thousand three hundred and twenty-eight may, by its operation, get on the list, who could not otherwise succeed. If they do, it will require about $250,282 per annum, to pay them. I think it within the limits of moderation to suppose, that at least as many of the 15,330 will succeed in getting on under the existing law; and if so, by cutting off their years of back pensions, there will be three times the amount saved, on that score, as will be expended on the other. If my proposition, to reduce the officers to a level with the soldiers, shall prevail, there will be a further saving of upwards of $25,000. And while upon this part of the subject, I beg the Senate to remember, that, at the close of the war, the officers received five years' full pay from the Government.

Independent, then, of the reduction of twenty per cent. upon all pensions under consideration, I think it is clear, that more would be saved than expended by passing the present law. But suppose I am mistaken in all this—that all the expenditure, and none of the saving will ensue, still it is obvious, that the reduction of twenty per cent. will effect a saving of a great deal more than the expenditure required by the bill. I deem it unnecessary to trouble the Senate with a particular estimate on this subject. The result is too palpable to be overlooked. To effect these savings to the Treasury, I am willing to give those who have been stricken off, under the act of 1820, an opportunity to be relieved and replaced on the list. I am the less opposed to this feature of the bill, because it is said to cover the most meritorious class of pensioners. It covers, as it is said, the frugal, the temperate, and the industrious, who had saved their receipts, and converted them into property—the schedule of which, when returned, excluded them from the further bounty of the country; while the sons of Bacchus, who swallowed their bounty as fast as it was received, were poor enough to retain their places on the list. This account is probable in itself, and I am not inclined to question its correctness.

Well satisfied, Mr. President, that my former vote was erroneous, I avail myself of the opportunity now offered to correct that error, by giving a different one. I wish, however, to make the bill more acceptable, by reducing the sum allowed to officers, and therefore move the adoption of an amendment to that effect.

The question being taken on ordering the bill, as amended, to be read a third time, was decided in the affirmative, as follows:

YEAS—Messrs. Barton, Boardman, Chandler, Dickerson, D'Wolf, Findlay, Holmes of Maine, Johnson of Kentucky, Kelly, King of New York, Knight, Lanman, Mills, Morril, Palmer, Parrott, Ruggles, Seymour, Smith of Maryland, Southard, Stokes, Talbot, Thomas, and Van Buren—24.

NAYS—Messrs. Barbour, Benton, Brown of Louisiana, Brown of Ohio, Eaton, Elliott, Gaillard, Holmes of Mississippi, Johnson of Louisiana, King of Alabama, Lloyd of Maryland, Lloyd of Massachusetts, Macon, Noble, Smith of South Carolina, Taylor of Indiana,

Taylor of Virginia, Ware, Williams of Mississippi, and Williams of Tennessee—20.

In Executive Session.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate of the United States:

By a resolution of the 27th of December last, the President of the United States was requested to communicate to the Senate, such information as he might possess, respecting the political state of the Island of St. Domingo; whether the government thereof was claimed by any European nation, what our commercial relations with the government of the island were, and whether any further commercial relations with that government would be consistent with the interest and safety of the United States.

From the import of the resolution, it is inferred that the Senate were fully aware of the delicate and interesting nature of the subject embraced by it, in all its branches. The call supposes something peculiar in the nature of the government of that island, and in the character of its population, to which attention is due. Impressed always with an anxious desire to meet every call of either House for information, I most willingly comply in this instance, and with a view to the particular circumstances alluded to.

In adverting to the political state of St. Domingo, I have to observe, that the whole island is now united under one government, under a constitution which retains the sovereignty in the hands of the people of color, and with provisions which prohibit the employment in the government, of all white persons who have emigrated there since 1816, or who may hereafter emigrate there; and which prohibit, also, the acquisition, by such persons, of the right of citizenship, or to real estate in the island. In the exercise of this sovereignty, the government has not been molested by any European Power. No invasion of the island has been made, or attempted, by any Power. It is, however, understood, that the relations between the Government of France and the island have not been adjusted, that its independence has not been recognised by France, nor has peace been formally established between the parties.

The establishment of a government of a people of color in the island, on the principles above stated, evinces, distinctly, the idea of a separate interest, and a distrust of other nations. Had that jealousy been confined to the inhabitants of the parent country, it would have been less an object of attention. But, by extending it to the inhabitants of other countries, with whom no difference ever existed, the policy assumes a character which does not admit of a like explanation. To what extent that spirit may be indulged, or to what purposes applied, our experience has yet been too limited to enable us to form a just estimate. These are inquiries more peculiarly interesting to the neighboring islands. They, nevertheless, deserve the attention of the United States.

Between the United States and the island a commercial intercourse exists, and will continue to be the object of this Government to promote it. Our commerce there has been subjected to higher duties than have been imposed on like articles from some other nations. It has, nevertheless, been extensive; proceeding from the wants of the respective parties, and the enterprise of our citizens. Of this discrimination to our injury, we had a right to complain, and have complained. It is expected that our commercial intercourse with the island will be placed on the footing of the most favored nation. No preference is sought in our favor, nor ought any to be given to others. Regarding the high interest of our happy Union, and looking to every circumstance which may, by any possibility, affect the tranquillity of any part, however remotely, and guarding against such injury, by suitable precautions, it is the duty of this Government to promote, by all the means in its power, and by a fair and honorable policy, the best interest of every other part, and thereby of the whole. Feeling, profoundly, the force of this obligation, I shall continue to exert, with unwearied zeal, my best facilities to give it effect.

JAMES MONROE.

FEBRUARY 25, 1823.

The Message was laid on the table for consideration.

THURSDAY, February 27.

Mr. WILLIAMS, of Tennessee, from the Committee on Military Affairs, to which was referred the bill, entitled "An act for the relief of Charles Carr, of Kentucky, late paymaster to Colonel William Dudley's regiment of Kentucky militia;" and, also, the bill making an appropriation for the gradual armament of the new fortresses of the United States," reported the same without amendment.

Mr. BARBOUR, from the Committee on Foreign Relations, to which was referred the bill, entitled "An act for carrying into effect the Convention of Navigation and Commerce between the United States and France, concluded at Washington, on the 24th day of June, 1822," reported the same without amendment.

Mr. HOLMES, of Maine, from the Committee on Finance, to which was referred the bill, entitled "An act further to prolong the continuance of the Mint at Philadelphia;" the bill, entitled "An act making the gold coins of Great Britain, France, Portugal, and Spain," receivable in payment on account of public lands;" the bill, entitled "An act to continue in force an act entitled 'An act regulating the currency, within the United States, of the gold coins of Great Britain, France, Portugal, and Spain, and the crowns of France, and five franc pieces,' passed on the 29th day of April, 1816, so far as the same relates to the crowns of France, and five franc pieces;" and, also, the bill, entitled "An act to abolish the office of measurer," reported the same, respectively, without amendment.

Mr. HOLMES, of Maine, from the same committee, to which was referred the bill, entitled "An act making further appropriations for the military service of the United States, for the year 1823," reported the same, with amendments; which were read.

Mr. RUGGLES, from the Committee of Claims, to which was referred the bill, entitled "An act for the relief of Henry Lee, one of the sureties of John Ricaud, late a paymaster in the service of the United States;" the bill, entitled "An act for

the relief of James Rees, of New York, one of the sureties of Joseph H. Rees, deceased, late assistant deputy paymaster general in the service of the United States;" and, also, the bill, entitled "An act for the relief of Polly L. Campbell, widow of Colonel John B. Campbell, deceased, late of the 11th regiment of United States infantry," reported the same, respectively, without amendment.

Mr. JOHNSON, of Louisiana, from the Committee on Indian Affairs, to which was referred the resolution concerning the Indians in the Territory of Florida, reported the same without amendment.

Mr. KING, of New York, submitted the following motion for consideration:

Resolved, That the Commissioner of the General Land Office be, and he is hereby, instructed and directed to prepare and lay before the Senate, at the beginning of their next session, maps of the several States of Ohio, Indiana, Illinois, Missouri, Mississippi, Alabama, and Louisiana, and of the Territories of Michigan, Arkansas, and Florida, which maps shall contain plats of the public land within the aforesaid States and Territories which, before the first day of the year 1823, had been surveyed under the authority of the United States, marking upon the maps, aforesaid, the land, the Indian title to which, at the date aforesaid, was not extinguished; and distinguishing, by colors, upon the plats aforesaid, the land granted to the Army, the land sold by the United States, the land granted to occupants or confirmed to persons claiming under British, French, or Spanish titles, and, also, the land surveyed, as aforesaid, which, at the date aforesaid, remained to be sold; stating likewise, the computed number of acres of each of the enumerated classes of land, and the number of acres which, at the date aforesaid, had been surrendered to the United States under any law passed for the relief of the purchasers of public land; together with a statement of the amount of debt, at the date aforesaid, due to the United States from purchasers of public land within the respective States and Territories aforesaid.

Mr. LANMAN presented the memorial of Thomas Staniford, praying the passage of a law authorizing the equitable settlement of his accounts. The memorial was read, and referred to the Committee of Claims.

Mr. SMITH, of South Carolina, from the Committee on the Judiciary, to which was referred the bill, entitled "An act to amend the ordinance and acts of Congress for the government of the Territory of Michigan, and for other purposes;" and, also, the bill, entitled "An act respecting the punishment of piracy," reported the same, respectively, without amendment.

On motion, by Mr. SMITH, of South Carolina, the Committee on the Judiciary, to which was referred the memorial of Edward DeKrafft; the memorial of the Legislature of Indiana, praying a different organization of the United States' court for said State; the memorial of Herkimer Sternberg, and others, praying certain amendments to the patent laws; the resolution of the Senate in relation to the Territory of Florida; the resolution of the Senate for dividing the State of Alabama into two judicial districts; the resolution of the Senate in relation to the judiciary system of the United States; and, also, the resolution of the Senate in relation to the public moneys in the hands of clerks of courts, attorneys, and marshals; were discharged from the further consideration thereof respectively.

The PRESIDENT communicated the credentials of Nicholas Ware, appointed a Senator by the Legislature of Georgia for the term of six years, commencing on the fourth day of March next; which were read, and laid on file.

Mr. BENTON, from the Committee on Public Lands, to which was referred the bill, entitled "An act further to extend the provisions of the act, entitled 'An act supplementary to an act, entitled 'An act for the relief of the purchasers of the public lands prior to the first July, 1820," reported the same without amendment.

Mr. RUGGLES, from the Committee of Claims, to which was referred the bill, entitled "An act for the relief of Nimrod Farrow and Richard Harris," reported the same, with an amendment, which was read.

The Senate resumed the consideration of the motion of the 26th instant, in relation to certain pensioners; and agreed thereto.

The Senate resumed the consideration of the report of the Committee on Finance, on the petition of John Mitchell; and in concurrence therewith, resolved that the prayer of the petitioner ought not to be granted.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act making appropriations for the support of the Navy of the United States, for the year 1823," together with the amendments reported thereto by the Committee on Naval Affairs; and, on motion, by Mr. PARROTT, the further consideration thereof was postponed to, and made the order of the day for, to-morrow.

On motion, by Mr. PARROTT, it was ordered that the Senate will give precedence to the bills on the orders of the day, which have originated in the Senate, and will take them up in their regular order.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to abolish imprisonment for debt, together with the amendments reported thereto by the select committee; and, on motion by Mr. MILLS, they were laid on the table.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to regulate the collecting of debts in the District of Columbia; and, on motion by Mr. BARBOUR, it was laid on the table.

The Senate resumed, as in Committee of the Whole, the consideration of the bill supplemental to an act, entitled "An act to authorize the appointment of commissioners to lay out the road therein mentioned;" and, on motion, it was laid on the table.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of the heirs of Don Harpin de la Gautrais; and, on motion, it was laid on the table.

The bill to authorize the Recorder of Land Titles in the State of Missouri, to examine into

the number and state of the unconfirmed French and Spanish land claims in the State of Missouri, and to report the same to the Congress, at their next session, was read the third time, and passed.

The bill to authorize the building a lighthouse at Cape Romain, in South Carolina, and placing floating lights in Delaware Bay, was read the third time, and passed.

The amendments to the bill, entitled "An act supplementary to the acts to provide for certain persons engaged in the land and naval service of the United States, in the Revolutionary war," having been reported by the committee correctly engrossed, the bill was read a third time, as amended, and passed.

A message from the House of Representatives informed the Senate that the House recede from their disagreement to that part of the first amendment of the Senate to the bill, entitled "An act to extend the jurisdiction of justices of the peace, in the recovery of debts, in the District of Columbia," on which the Senate have insisted. They concur in all the amendments of the Senate to the bill, entitled "An act supplementary to the acts to provide for certain persons engaged in the land and naval service of the United States, in the Revolutionary war," except that which proposes a fourth section, to which they disagree.

They have passed a bill, entitled "An act providing for the examination of the titles to land in that part of the State of Louisiana situated between the Rio Hondo and the Sabine river; a bill, entitled "An act to amend 'An act for the establishment of a Territorial government in Florida,' and for other purposes;" a bill, entitled "An act to authorize and empower the Secretary of the Department of the Treasury to sell the public lots, and other property, belonging to the United States, in the District of Columbia;" a bill, entitled "An act making appropriations for the public buildings;" and, also, a resolution to direct the withholding of the compensation of certain prize agents; in which bills and resolution they request the concurrence of the Senate.

The said four bills and resolution were read, and severally passed to the second reading.

The bill, entitled "An act making appropriations for the public buildings," was read the second time, by unanimous consent, and referred to the Committee on Finance.

The bill, entitled "An act to amend 'An act for the establishment of a Territorial government in Florida,' and for other purposes," was read the second time, by unanimous consent, and referred to the Committee on the Judiciary.

The bill, entitled "An act providing for the examination of the titles to land in that part of the State of Louisiana situated between the Rio Hondo and the Sabine river, was read the second time, by unanimous consent, and referred to the Committee on Public Lands.

On motion, the bill, entitled "An act to authorize and empower the Secretary of the Department of the Treasury to sell the public lots, and other property, belonging to the United States, in the District of Columbia," was read the second time by unanimous consent, and referred to the Committee on the District of Columbia.

The resolution to direct the withholding of the compensation of certain prize agents, was read the second time by unanimous consent, and referred to the Committee on Naval Affairs.

Mr. SOUTHARD, from the Committee on the Judiciary, to which was referred the petition of John S. Stiles, executor of George Stiles, deceased, with the accompanying documents, made a report, accompanied by a bill for the relief of John S. Stiles, executor of George Stiles, deceased. The report and bill were read, and the bill passed to the second reading.

Mr. HOLMES, of Maine, from the Committee on the Judiciary, to which was referred the bill, entitled "An act for the discharge of John Burgin from imprisonment," reported the same without amendment.

The Senate resumed, as in Committee of the Whole, the consideration of the resolution proposing an amendment to the Constitution of the United States, in relation to internal improvement; and, on motion, it was laid on the table.

As this was the last day on which, by the joint rules of the two Houses, either House could transmit to the other any bill for concurrence—

The Senate proceeded to the consideration, successively of the following bills, which were severally examined and discussed in Committee of the Whole, and were subsequently ordered to be engrossed and read a third time to day, viz: A bill to continue in force an act to provide for reports of the decisions of the Supreme Court; a bill for the relief of Taylor Berry; a bill for the punishment of frauds committed on the Departments of the Government; a resolution granting to the Washington Library a copy of the public documents, journals, laws, &c.; a bill to commute the pension of Lieutenant Alfred Flournoy; a bill for the relief of the heirs of the late Captain Johnston Blakeley; a bill for the relief of Edward Evat; a bill to alter the time of holding the District Court of the United States in Kentucky; a bill for clearing, repairing, and improving certain roads, for the purpose of facilitating the transportation of the mail; a bill supplementary to the act "to designate the boundaries of districts and establish land offices for the disposal of the public lands not heretofore offered for sale, in the States of Ohio and Indiana;" a bill extending the time for locating Virginia military land warrants and returning surveys.

[On this last mentioned bill considerable debate took place, in which the bill was zealously supported by Mr. BARBOUR, and was opposed by Messrs. LANMAN and RUGGLES.]

The PRESIDENT communicated to the Senate the following letter from the Secretary of State:

To the President of the Senate of the United States:

DEPARTMENT OF STATE,
Washington, Feb. 27, 1823.

SIR: I have the honor of transmitting herewith a supplementary return to the digest of the accounts of the manufacturing establishments, and their manu-

factures, which has been reported to Congress, in pursuance of their joint resolution, of 30th March last. The imperfection of these returns, has been owing to various causes—among which, a principal one was, the unwillingness of manufacturers themselves, to give the information required for making the return. The inadequateness of the compensation allowed by law, for the performance of the service, has also been a subject of complaint, by many of the marshals, and of their assistants.

The supplementary return now made, is of omissions which occurred in making the Digest, under the direction of this Department, and which should have been included in the printed Digest. A statement is added, of the several counties and districts from which no returns have been received.

I am, with great respect, &c.

JOHN QUINCY ADAMS.

A letter was communicated by the PRESIDENT to the Senate from the Secretary of the Treasury, transmitting the annual reports of the several banks in the District of Columbia.

On motion of Mr. TALBOT, the Senate resolved to meet this evening, at 6 o'clock; and then, about 4 o'clock, adjourned for a recess.

Six o'clock in the Evening.

The PRESIDENT communicated a report of the Secretary of the Treasury, made in obedience to a resolution of the Senate of the 29th ultimo, requesting information relative to loans of money made to certain banking institutions; and the report was read, and laid on the table.

The Senate took up the bill for the relief of Lieutenant R. F. Stockton, of the Navy, late commander of the schooner Alligator.

Messrs. LLOYD, of Massachusetts, and MILLS explained the transactions in which this bill originated, and the bill was ordered to be engrossed for a third reading.

The following bills were also severally examined and discussed in Committee of the Whole, and were ordered to be engrossed for a third reading, viz:

A bill to permit Anna Dubord to bring certain slaves into Louisiana;

A bill to enable the proper accounting officers of the Treasury to settle the accounts of the Surveyor General of Missouri, &c., for extra clerk hire.

The Senate resumed (ayes 19) the consideration of the bill to authorize the sale of the salt springs and lead mine lands.

Mr. TALBOT offered an amendment, to authorize the appointment of a skilful person to explore those mine lands, and report to the Treasury Department the result of his observations, (different somewhat from the amendment of Mr. DICKERSON,) and to authorize the sales to proceed as the lands were explored, and supported the bill.

Mr. MACON also advocated the bill.

Messrs. EDWARDS, DICKERSON, BENTON, KING, of New York, and BROWN, of Ohio, joined in the debate, which turned on the expediency of now throwing those lands into the market, the price proper to fix on them, their probable value and productiveness, &c.

The amendment offered by Mr. TALBOT was agreed to—ayes 17, noes 15; when the bill was, on motion of Mr. MACON, laid on the table.

The bill providing for the gradual armament of the new fortresses of the United States was then taken up.

Mr. WILLIAMS, of Tennessee, by order of the Military Committee, to which this bill had been referred, moved the indefinite postponement of the bill; which motion was agreed to.

The resolution directing the payment of two hundred and fifty dollars, out of the contingent fund, to Gales & Seaton, was considered as in Committee of the Whole, and ordered to be read a third time.

The resolutions for compensating Robert Tweedy, Tobias Simpson, George Hicks, and Henry Tims, jun., were considered as in Committee of the Whole, and they were amended by filling the blanks; and, the amendments having been concurred in, the resolutions were ordered to be engrossed, and read a third time.

On motion, by Mr. VAN DYKE, the Committee on Public Lands were discharged from the further consideration of the petition of John Rush and Samuel Conway; the petition of James H. Draughan, and the petition of John McAlister.

Mr. PARROTT, from the Committee on Naval Affairs, to which was referred the "resolution to direct the withholding of the compensation of certain prize agents, reported the same without amendment.

A message from the House of Representatives informed the Senate that the House have passed bills of the following titles, viz: "An act for the relief of Nathan Branson;" "An act to carry into effect the ninth article of the treaty concluded between the United States and Spain, the twenty-second day of February, 1819;" "An act to authorize the laying out and opening certain public roads in the Territory of Michigan;" "An act amending and supplementary to the act for ascertaining claims and titles to land in the Territory of Florida, and to provide for the survey and disposal of the public lands in Florida;" "An act to authorize the Commissioner of the General Land Office to remit the instalments due on certain lots in Shawneetown, in the State of Illinois;" "An act for the relief of John Coffee;" "An act for the relief of Woodson Wren;" "An act for the relief of Sophia B. Ford, Nathan Ford, and Jacob Arnold, jun., administrators of the estate of Mahlon Ford, deceased;" "An act for the relief of James H. Clark;" "An act for the relief of Thaddeus Mayhew;" "An act supplementary to 'An act for the better organization of the courts of the United States within the State of New York;" "An act to authorize the Postmaster General to pay for certain repairs to the General Post Office, and to keep the engine house, the fire engine, and apparatus in repair;" "An act concerning invalid pensions;" "An act to discontinue certain post roads and to establish others;" and, also, "An act to establish an additional land office in the Territory of Michigan;" in which bills they request the concurrence of the Senate.

The said fifteen bills were severally read, and passed to a second reading.

The bill entitled "An act for the relief of Nathan Branson," was read the second time by unanimous consent, and referred to the Committee on Finance.

The bill entitled "An act to carry into effect the ninth article of the treaty concluded between the United States and Spain, the 22d of February, 1819,;" the bill entitled "An act to authorize the laying out and opening certain public roads in the Territory of Florida;" the bill, entitled "An act amending and supplementary to the act for ascertaining claims and titles to land in the Territory of Florida, and to provide for the survey and disposal of the public lands in Florida;" the bill, entitled "An act to authorize the Commissioner of the General Land Office to remit the instalments due on certain lots in Shawneetown, in the State of Illinois;" the bill, entitled "An act for the relief of John Coffee;" and the bill, entitled "An act for the relief of Woodson Wren," were severally read the second time by unanimous consent, and referred to the Committee on Public Lands.

The bill entitled "An act for the relief of Sophia B. Ford, Nathan Ford, and Jacob Arnold, jun., administrators of the estate of Mahlon Ford, deceased;" the bill, entitled "An act for the relief of James H. Clark;" and the bill, entitled "An act for the relief of Thaddeus Mayhew," were read the second time by unanimous consent, and severally referred to the Committee of Claims.

The bill entitled "An act supplementary to 'An act for the better organization of the courts of the United States within the State of New York," was read the second time by unanimous consent, and referred to the Committee on the Judiciary.

The bill entitled "An act concerning invalid pensions," was read the second time by unanimous consent, and referred to the Committee on Pensions.

The bill entitled "An act to authorize the Postmaster General to pay for certain repairs to the General Post Office, and to keep the engine house, the fire engine, and apparatus, in repair;" and the bill, entitled "An act to discontinue certain post roads and to establish others;" were read the second time by unanimous consent, and severally referred to the Committee on the Post Office and Post Roads.

Mr. HOLMES, of Maine, from the Committee on Finance, to which was referred the bill, entitled "An act making appropriations for the public buildings," reported the same with an amendment.

The bill entitled "An act to establish an additional land office in the Territory of Michigan," was read the second time by unanimous consent, and referred to the Committee on Public Lands.

Mr. VAN BUREN, from the Committee on the Judiciary, to which the subject was referred, reported the following resolution; which was read:

Resolved, That the Attorney General be requested to collect and arrange in one bill, all the acts of Congress now in force relative to the courts of the United States, and their administration of justice thereon, and report the same to the Senate at their next session; together with such suggestions of changes and modifications thereof as will, in his opinion, improve the present system.

FARROW AND HARRIS.

The bill to authorize the adjustment of the accounts of Nimrod Farrow and Richard Harris (formerly contractors for building the fortifications on Dauphin Island, now abandoned) was taken up. A debate of considerable duration took place on this bill, and the various amendments offered thereto.

Mr. JOHNSON was opposed to the postponement of the bill. He said the object of the motion seemed to be to postpone the bill under consideration, which had been reported by the committee of the Senate, to whom the subject was referred, for the purpose of passing the bill from the House of Representatives for the relief of the petitioners. He did not approve either of the bills, as neither of them is calculated to afford prompt relief. He thought the Senate's bill, however, best calculated to attain that object.

Mr. J. now explained the circumstances of the case, and exposed the hardships to which the petitioners had been subjected, and the cruel injustice which had been done them by Congress, as he conceived, in withholding the appropriations necessary to enable the Government, on its part, to fufil the contract made with the petitioners. Farrow, one of the petitioners, and who was most interested, and whom he represented as being at the time of the contract a gentleman of high respectability, and one of the most wealthy citizens of Virginia, had, in consequence of this failure on the part of the Government, been reduced from a state of affluence and independence to that of poverty and want; and he had been harassed and oppressed for a considerable time, and, he believed, without the least fault on his part. He referred to the contract. In the month of July, 1818, Farrow and Harris entered into a contract with the Government to construct on Dauphin Island, Mobile bay, a fort and other public buildings, and engaged to be on the island on or before the 1st day of December, 1818, for the purpose of commencing the works. And it was stipulated between the parties that the United States' engineer would be on the island at the time specified, and designate the spot on which the buildings were to be erected, and prescribe the manner in which they were to be executed. It appears Farrow and Harris arrived on the island with their men, materials, and implements, to a very great amount, ready to carry into effect their part of the contract. But the United States' engineer, who was to designate the site for the intended works, did not arrive till some time in January; so that the contractors, with all their mechanics, laborers, and overseers, had to wait nearly two months in a state of suspense and uncertainty, and were in consequence subjected to great inconveniences, and sustained heavy losses. Still, notwithstanding this failure on the part of the Government, the contractors had commenced, and progressed

rapidly with the works; they had surmounted the difficulties that had impeded their progress; the materials sufficient for the completion of the works had been obtained; and at the time Congress withheld the appropriations which occasioned the progress of the works to be stopped, there was every reason to believe the contract would soon be fulfilled, to the entire satisfaction of the Government.

The Chief Engineer, in his report, states: "The 'contract for fortifications at Dauphin Island was 'in a prosperous condition at the time the appro- 'priation was withheld; and, from the means ap- 'plicable to its prosecution, as shown in the table, 'there is reason to believe its progress would have 'continued to be entirely satisfactory, and that it 'would be erected within the estimate." And it appears by a statement from the proper department, that on account of $162,877, advanced by the Government to Farrow and Harris, a credit of $48,899 is allowed, and that the value of the articles on hand applicable to the works is set down at $120,000—making together the sum of $168,899—showing a balance of $6,647 due to Farrow and Harris, independently of the heavy damages they have sustained from the violation of the contract on the part of the Government, and for which they are certainly entitled to compensation.

Contracts with the United States are governed by the same principles as between individuals; each party being bound to fulfil what they agree to do, and the party that fails to perform the agreement is liable to damages.

Thus it appears, from these statements, that at the time the progress of the works were stopped by the Government, the materials on hand were perhaps equal to the completion of the works contemplated, and the means necessary, in full operation to complete them in a short time, and all the expenses incurred, on which the profits are predicated. Notwithstanding this view of the subject, which he believed to be correct, the contractors have been prosecuted by the Government, and their property withheld to a large amount, and a suit is now actually pending against them and their securities, to recover back the amount of advances made by the Government on account of the contract; after deducting the value, by admeasurement, of so much of the work as was actually done, at the contract rates. The amount of the price of this work, added to the value of the materials on hand, at a fair valuation, would be no compensation to the contractors. By this mode of settlement, no allowance would be made for the great investments of capital, or for the labor and expenses bestowed in collecting the materials, and preparing for the execution of the work; nor would any allowance be made for the losses and risks incident to such an undertaking, or for such materials as were either paid or contracted for, though not actually delivered. The profits to be derived from his contract could arise, not from the collection of the materials on the island, but from putting the materials together in the construction of the works.

Mr. J. proceeded to state, that about 80 or 100 slaves had been purchased on account of the Government, for the purpose of executing the works, and were mortgaged to the Government for the advances made, and are now held subject to the mortgage. And what is contemplated to be done, he asked, by the bill from the House of Representatives? It provides for the sale of the slaves and materials alluded to, for prompt payment, with the view of giving the contractors credit for the amount of the proceeds of sales. It was evident, he said, that the property, if thus disposed of, would be sacrificed. Besides, the power of Congress to adopt such a step might be questioned. If the materials furnished for the fortifications belong to the United States, they require no law to authorize the sale of them. If they are the property of the contractors, Congress has no right to pass a law directing the sale of them. But, presuming the materials to belong to the contractors, and admitting the power thus to dispose of them, would it be just or politic to exercise it? He thought not. The materials are wanted, and may all be employed, as he is informed, in completing the fortifications now building at Mobile Point, three miles from Dauphin Island. He was of opinion, therefore, that the Government should be authorized to receive them at a fair estimation, leaving the question of damages open for further investigation. He was, also, of opinion that the Government should be directed by this act, to receive the slaves in question, at the price for which they were purchased, or at least to discharge the mortgage on them. The gentleman who had purchased the slaves for the Government, had not been credited with the amount paid for them, nor was he permitted to use or to dispose of them. This seems to present a case of peculiar hardship, nor could he reconcile the course which had been pursued in relation to the subject, with his ideas of the principles of justice.

The bill under consideration, he said, requires the Secretary of War to cause all the facts of the case to be investigated, and to report the same to Congress at their next session, for the purpose of enabling Congress to act advisedly on the subject. There was one great objection to this plan. If adopted, the adjustment of the subjects in controversy will be suspended for another year, greatly to the injury of all parties concerned. He would prefer to see the bill modified, so as to make an immediate disposition of the materials and slaves alluded to, in the manner he had suggested, leaving the question of damages to be ascertained as provided for by the bill. Nevertheless, he preferred this bill to the one from the House of Representatives, and hoped it would not be postponed.

The motion was rejected, and the bill was ordered to a third reading, and passed.

FRIDAY, February 28.

Mr. HOLMES, of Maine, from the Committee on Finance, to which was referred the bill, entitled "An act for the relief of Nathan Branson," reported the same without amendment.

Mr. RUGGLES, from the Committee of Claims,

to which was referred the bill, entitled "An act for the relief of Sophia B. Ford, Nathan Ford, and Jacob Arnold, jr., administrators of the estate of Mahlon Ford, deceased;" and, also, the bill, entitled "An act for the relief of James H. Clark," reported the same without amendment.

Mr. HOLMES, of Maine, from the Committee on the Judiciary, to which was referred the bill, entitled "An act supplementary to 'An act for the better organization of the courts of the United States within the State of New York," reported the same without amendment.

Mr. VAN DYKE, from the Committee on Public Lands, to which was referred the bill, entitled "An act to authorize the Commissioner of the General Land Office to remit the instalments due on certain lots in Shawneetown, in the State of Illinois," reported the same with amendments; which were read.

Mr. VAN DYKE, from the same committee, to which was referred the bill, entitled "An act to carry into effect the ninth article of the treaty concluded between the United States and Spain, the 22d of February, 1819," reported the same with an amendment; which was read.

Mr. VAN DYKE, from the same committee, to which was referred the bill, entitled "An act for the relief of Woodson Wren;" the bill, entitled "An act for the relief of John Coffee;" the bill, entitled "An act providing for the examination of the titles to land in that part of the State of Louisiana situated between the Rio Hondo and the Sabine river;" and, also, the bill, entitled "An act to establish an additional land office in the Territory of Michigan," reported the same, respectively, without amendment.

Mr. LANMAN, from the Committee on the District of Columbia, to which was referred the bill, entitled "An act to authorize and empower the Secretary of the Department of the Treasury to sell the public lots and other property belonging to the United States in the District of Columbia," reported the same without amendment.

Mr. STOKES, from the Committee on the Post Office and Post Roads, to which was referred the bill, entitled "An act to authorize the Postmaster General to pay for certain repairs to the General Post Office, and to keep the engine house, the fire engine, and apparatus, in repair," reported the same without amendment.

Mr. STOKES, from the same committee, to which was referred a resolution of the Senate of the 8th of January last, directing them to "inquire into the expediency of authorizing an interchange of the laws of the several States, by mail, free of postage," made a report, accompanied by a resolution, that it is inexpedient, at this time, to authorize the interchange of the laws of the several States, by mail, free of postage.

On motion, by Mr. VAN DYKE, the Committee on Public Lands, to which was referred the bill, entitled "An act to authorize the laying out and opening certain public roads in the Territory of Florida," were discharged from the further consideration thereof, and it was referred to the Committee on Roads and Canals.

The resolution submitted yesterday by Mr. KING, of New York, was taken up; and having been modified so as to call on the Secretary of the Treasury, instead of the Commissioner of the General Land Office, the resolution was agreed to.

The Senate resumed the consideration of the resolution proposed by the Judiciary Committee, relative to a collection of the laws concerning the Judiciary; and after some discussion, on the necessity of such a collection, and particularly on the expediency of directing the duty to be performed by the Attorney General, as proposed by the resolution, the resolution was disagreed to.

The following resolutions were severally read a third time, and passed:

Resolved, That Robert Tweedy, Tobias Simpson, and George Hicks, assistants to the Sergeant-at-Arms and Doorkeeper of the Senate, be paid, out of the contingent fund, two dollars a day for each day they have attended the Senate during the present session of Congress; and that Henry Tims, jr., be allowed one hundred dollars for his attendance during the present session.

Resolved, That there be paid, out of the contingent fund, to Robert Tweedy, Tobias Simpson, and George Hicks, the sum of one hundred and fifty dollars each, for extra services.

Resolved, That Gales & Seaton be paid, out of the contingent fund, two hundred and fifty dollars, for eight thousand copies of the Message of the President for the years 1821 and 1822.

On motion, by Mr. NOBLE, the Committee on Pensions, to which was referred the petition of Samuel Howell, the petition of Peter Cherry, and, also, the petition of John Fitzgerald, were discharged from the further consideration thereof, respectively.

Mr. SMITH, of South Carolina, from the Committee on the Judiciary, to which was referred the bill, entitled "An act to amend 'An act for the establishment of a Territorial government in Florida, and for other purposes," reported the same without amendment.

The bill making appropriations for the support of the Navy of the United States for the year 1823, was considered in Committee of the Whole, amended, and was ordered to a third reading.

Mr. SMITH, of South Carolina, submitted the following motion for consideration:

Resolved, That the Secretary of War be directed to inform the Senate of the original amount of a judgment lately obtained by the United States in the district court of the eastern district of Pennsylvania, against Colonel William Duane, and what credits have been allowed to the defendant since the date of the judgment, the date of such credits, by whom given, and under what authority.

The bill providing for clothing the militia of the United States when in actual service, was taken up in Committee of the Whole.

Mr. NOBLE made some remarks in support of the measure. Mr. SMITH, of Maryland, opposed the bill, not on principle, because he was friendly to the principle, but from objections to the mode proposed by the bill; and for the purpose of get-

ting rid of the bill he moved to lay it on the table. Mr. NOBLE replied to Mr. S. and answered his objections; when—

The question being taken, the bill was ordered to lie on the table.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act for the better organization of the District Court of the United States within the State of Louisiana;" and the same having been amended it was reported to the House, and, the amendment being concurred in, the amendment was ordered to be engrossed, and the bill was read a third time as amended.

Mr. STOKES, from the Committee on the Post Office and Post Roads, to which was referred the bill, entitled "An act to discontinue certain post roads and to establish others," reported the same, with amendments; which were read.

The Senate took up, as in Committee of the Whole, the bill in addition to the act "for the prompt settlement of public accounts, and for the punishment of the crime of perjury."

Several amendments were proposed to this bill, and discussed; all of which were, in the end, negatived; and considerable debate took place also on the merits of the bill itself. In these discussions Messrs. HOLMES of Maine, BARBOUR, LANMAN, EATON, CHANDLER, RUGGLES, SMITH, of Maryland, TALBOT, and MILLS, engaged. The bill was finally ordered to be read a third time, by yeas and nays—31 to 8, as follows:

YEAS—Messrs. Barbour, Barton, Benton, Boardman, Brown of Louisiana, Brown of Ohio, Eaton, Edwards, Elliott, Holmes of Maine, Holmes of Mississippi, Johnson of Louisiana, Kelly, King of Alabama, King of New York, Lanman, Lloyd of Maryland, Lloyd of Massachusetts, Mills, Morril, Noble, Parrott, Ruggles, Seymour, Smith of Maryland, Southard, Talbot, Taylor of Indiana, Thomas, Van Buren, Ware, and Williams of Mississippi.

NAYS—Messrs. Chandler, D'Wolf, Dickerson, Findlay, Gaillard, Knight, Macon, and Taylor of Virginia.

The bill was then read a third time, by unanimous consent, and passed.

Mr. NOBLE, from the Committee on Pensions, to which was referred the bill, entitled "An act concerning invalid pensions," reported the same without amendment.

Mr. BROWN, of Ohio, from the Committee on Roads and Canals, to which was referred the bill, entitled "An act to authorize the laying out and making certain public roads in the Territory of Florida," reported the same without amendment.

Mr. VAN DYKE, from the Committee on Public Lands, to which was referred the bill, entitled "An act amending and supplementary to the act for ascertaining claims and titles to land in the Territory of Florida, and to provide for the survey and disposal of the public lands in Florida," reported the same, with amendments; which were read.

On motion of Mr. EATON, the report of the Secretary of the Treasury, made in obedience to a resolution of the Senate, of the 29th ultimo, requesting information relative to loans of money made to certain banking institutions, was ordered to be printed for the use of the Senate.

The Senate proceeded to consider, as in Committee of the Whole, the bill, entitled "An act extending the time for issuing and locating military land warrants to officers and soldiers of the Revolutionary army;" and, no amendment having been proposed, it was reported to the House, and passed to a third reading.

A message from the House of Representatives informed the Senate that the House have passed the bills which originated in the Senate, entitled "An act to establish an additional land office in the State of Missouri;" "An act extending the time for locating Virginia military land warrants, and returning surveys thereon to the General Land Office;" and "An act for the relief of Nimrod Farrow, Richard Harris, and their securities;" with an amendment to each, in which they request the concurrence of the Senate.

The Senate proceeded to consider the amendment of the House of Representatives to the bill, entitled "An act extending the time for locating Virginia military land warrants, and returning surveys thereon to the General Land Office;" and concurred therein.

The following bills were successively considered in Committee of the Whole, some of them a good deal discussed, and some amended in their details; and all of them ordered to be read a third time, viz: A bill supplementary to the act relating to the ransom of American captives of the late war; a bill for the relief of James Morrison; a bill to extend the time allowed for the redemption of lands sold for direct taxes, in certain cases; a bill to alter the times of holding the district court of the district of Vermont; a bill to confirm certain claims to lots in the village of Peoria; a bill for the relief of John B. Hogan; a bill for the relief of Abraham Snyder; a bill respecting stamps; a bill for the relief of Henry Lee, one of the sureties of Ricaud, late a paymaster in the Army; a bill for the relief of James Rees; a bill for the relief of Polly L. Campbell, widow of Colonel John B. Campbell, deceased; a bill to amend the ordinances and acts of the Congress for the government of the Territory of Michigan; a bill to extend the provisions of the act supplementary to the act for the relief of the purchasers of public lands; a bill for the relief of Captain Richard Hightower; a bill to continue in force the act regulating the currency, within the United States, of the gold coins of Great Britain, France, Portugal, and Spain, and the crowns of France, and five franc pieces; a bill making the gold coins of Great Britain, France, Portugal, and Spain, receivable in payment on account of public lands; a resolution requiring from the Secretary of the Senate and Clerk of the House of Representatives an annual statement of the contingent expenses of the two Houses. [This was subsequently read a third time, and passed;] a bill to amend an act further to regulate the entry of merchandise imported into the United States from adjacent territories; a bill to transfer to the State of Virginia certain militia fines; a

bill making appropriations for the military service for the year 1823; a bill making appropriations for the support of Government for the year 1823.

MINT ESTABLISHMENT.

The bill further to prolong, for five years, the continuance of the Mint at Philadelphia, was taken up.

Mr. EATON questioned the propriety of making provision for continuing the Mint at Philadelphia for five years. He thought the Mint establishment might be fixed at the seat of Government, where it would be more immediately under the eye of Congress, and its operations and concerns more easily examined and understood. He did not assert that it ought to be removed; but he wished the subject to be inquired into, and moved to insert *one* year in the bill instead of *five*, that Congress might, in the meantime, consider the subject, and decide understandingly on it.

This motion was opposed by Messrs. ELLIOTT and LANMAN; who, among other things, argued that, even if it were now enacted to continue the Mint at Philadelphia for five years, Congress could revoke the law at any time, if it should be deemed expedient to remove the establishment from thence; but they controverted the propriety of removing the Mint from Philadelphia, from considerations of convenience, and the successful operation of the establishment.

The motion to amend the bill was negatived; and it was ordered to a third reading.

GOVERNMENT DEPOSITES IN BANKS.

The PRESIDENT laid before the Senate a report from the Secretary of the Treasury, relative to loans or deposites made by the Treasury to banks from the year 1789 to the present time—rendered in obedience to a resolution of the Senate; which report was, on motion of Mr. EATON, ordered to be printed. The report is as follows:

TREASURY DEPARTMENT, *Feb.* 25, 1823.

SIR: In obedience to a resolution of the Senate, of the 29th ultimo, requesting the Secretary of the Treasury "to inform the Senate if any loans of money to any amount, and for what purpose, have been made from the Treasury, to any individuals, or banking institutions, since the third day of March, 1789, and whether such loans, so made, have been repaid, or in any manner adequately secured, so that the Government will ultimately be satisfactorily reimbursed," I have the honor to submit copies of letters from the Secretary of the Treasury, from the 19th of March, 1792, to the 17th of July, 1819, inclusive, to the officers of the Bank of the United States, and of its branches, and to the officers of certain State banks, and to other officers and individuals, which contain the information required by the resolution, as far as it can be collected from the correspondence of the department.

By reference to the papers numbered from 1 to 11, inclusive, it is apparent that loans in fact, though not in terms, were offered by the Treasury Department to the Bank of the United States, and to the State banks to which they were directed.

By the first of these letters, dated the 19th March, 1792, the Secretary of the Treasury informed the president of the Bank of the United States, that it had been represented to him that an unusually large sum of money had, and would become due to the United States, from importers in the district of Philadelphia, in the month of March, 1792, and reminded him that, in consequence of standing circular instructions, the collector of the district would receive from the merchants, as cash, the post notes of the Bank of the United States, if not issued for a longer period of payment than thirty days, and that he would judge how far it might be convenient to make operations payable in such notes, which might not be convenient if payable immediately in specie, or cash notes. On the 29th of the same month, a letter was addressed, by the same officer, to the president of the Bank of Maryland, stating that it has been intimated to him that considerable sums of duties had become due, or were to fall due in Baltimore, in the course of the month, and that it was at all times his wish to give to the merchants as much facility as the public business would admit; that he had, therefore, determined, if he should incline to make discounts for the importers, to enable them to pay the duties due on or before the 15th of April thereafter, he would leave a sum of money, equal thereto, in his hands, for sixty days after the dates of the notes.

By his letters of the 10th of April, 1792, the presidents of the Bank of the United States, and of the Bank of Maryland, were informed that circumstances, within his knowledge, induced him to state that the operation, suggested in his letter of the 29th of March, continued to be desirable in relation to those who have payments to make at the custom-house, in the course of that month. By his letter of the 8th of December, 1792, the president of the Bank of the United States was informed that the Secretary had no objection that notes, in which the Government was interested, should be renewed for thirty days, in all cases where it could be done with perfect safety to the public. By the letter of the Secretary, of the — of February, 1793, the presidents of the offices of the Bank of the United States at New York and Baltimore were informed that an arrangement had been made with the Bank of the United States, for the accommodation of the merchants of Philadelphia, whose bonds for duties were to become payable between that date and the last day of the ensuing month, by which the bank would discount the notes of such merchants as were indebted to the custom-house, for thirty days, for the respective sums that should become payable; the bank to receive those notes from the collector, as cash, to be drawn for only by the collector. The president of the office was informed that, if a similar arrangement appeared to him to be requisite to the accommodation of the merchants of New York, that he would not draw for the sums that had relation to the transaction, until about the middle of May thereafter. On the 5th of March, 1793, a similar letter was addressed to the presidents of the offices of discount and deposite at Boston and Providence. His letters of the 5th of April, 1793, and the 16th of February, 1797, marked 10, 11, have the same object in view; that is to say, they offer, as inducements to the banks to discount the notes of persons indebted upon duty bonds, that the amount of such bonds shall not be drawn from the banks until the notes discounted were payable, or that post notes shall be receivable by the collector in discharge of such bonds.

The latter of these letters relates to the case of an individual, in whose favor the Secretary of the Treas-

ury submits to the consideration of the bank, whether an accommodation could not be granted to him, on condition that the sum discounted should be paid in a post-note, to be deposited with the collector of the customs. This representation was made in consequence of the individual's being unable to obtain a credit at the custom-house on a cargo of coffee, because he had duty bonds to a considerable amount then due. It appears, from the letter of the 23d of February, 1793, already referred to, that arrangements of that nature were made, verbally, with the bank, as the arrangement referred to in that letter is not of record in the office.

The correspondence between the Secretary of the Treasury and the banks, generally, does not show upon what account the deposites in those banks were made. The letters of the Secretary to the Treasurer are still more general, simply directing the deposite.

The accounts of the Treasurer with the banks, anterior to the last quarter of the year 1811, have not been preserved; no inference, therefore, can be drawn, from the state of the accounts, as to the object or purpose for which any deposite was made, previously to that date. From the accounts with the banks, from that period, it appears that many deposites were made by transferring public money from one bank to another, when the amount in the bank, to which the transfer was made, was much more than sufficient to meet the drafts drawn upon it. Although the inferences which may be drawn from the state of the accounts between the Treasurer and a bank in which deposites are made, apparently not required for the public expenditure, cannot be considered as conclusive evidence that such deposites were made to sustain the bank against a run, or press upon it, or to aid in its operations; yet the presumption is sufficiently strong, to make it proper to present a few of those cases. On the 6th of March, 1812, a draft was drawn for $50,000, in favor of the Mechanics' Bank of New York, upon the State Bank at Charleston, and on the 7th of May, for $80,000. On the 2d of March, there was on deposite, in the former bank, $432,000, which was not reduced below $319,000 during the remainder of the month; and on the 4th of May, the deposite was $133,000, which sum was not diminished during the month; and at the end of the quarter, it had increased to $224,000. There were drawn, and deposited, in the Bank of Pennsylvania, the following drafts, viz: 12th March, 1812, upon the Union Bank of Boston, $50,000; 6th July, upon the State Bank of Boston, $49,000; in October of the same year, upon the Bank of Baltimore, $200,000: and upon the Manhattan Company, $100,000. At the date of the first draft, there was standing to the credit of the Treasurer, on the books of the bank, $133,000, which was not diminished during the month; and at its close, amounted to $294,000. At the date of the second, the deposite amounted to $164,000 which continued increasing, and amounted, on the 17th August, to $403,000; and at the end of the quarter, to $636,000. On the 6th of October, the date of the first draft, in that month, it amounted to $465,000, and at the close of the month, to $593,000. The records of the office afford no explanation of the reasons which induced the Secretary of the Treasury to make these transfers; and many others, of a similar nature, were made from time to time. But on the 4th of March, 1814, the Cashier of the Bank of Pennsylvania, by letter of that date, informed the Secretary of the Treasury, that the great and unprecedented demand upon that institution for specie, principally from the eastward, induced him to request, that, if consistent with the interests of the Government, he would give him drafts either on New York or Boston, to an amount that would counteract those demands, stating, that the amount of specie in the vaults but little exceeded $200,000, and that the demands of the bank, upon those to the southward of Philadelphia, if called for, might put them to serious inconvenience. Upon this representation, a draft was, on the 8th of the month, drawn by the Treasurer, in favor of the bank, for $150,000, upon the Bank of New York. Upon the 28th of February preceding this transaction, there was in the bank a deposite of $755,000, and on the 31st of March, $799,000. By reference to the letter of the President of the Bank of Columbia, which accompanies this report, it appears that, on the 29th of October, 1801, the Secretary of the Treasury made a deposite in that bank of $50,000, to enable it to sustain itself against a run which was then making upon it, and that other sums were subsequently deposited in that bank by the department, to aid it in its operations. In the letter of the Acting Secretary of the Treasury, of the 27th May, 1813, to Stephen Girard, he is informed, that "the arrangement made by Mr. Gallatin, relative to the deposite of the public moneys drawn from your bank, in favor of the public agents, was to shield you against the attacks of the incorporated banks, to whom such money would otherwise have been transferred; and the magnitude of your contract might thus have been rendered highly prejudicial to your institution. It is the particular province, and it has been the practice, of the Department of the Treasury of the United States, to direct the moneyed operations of the public, to the preservation of credit, by maintaining the equilibrium between the moneyed institutions of the country; and as it has protected your institution, by the arrangement alluded to, so it will guard those institutions against any undue pressure which the public funds in your vaults may enable you to direct against them. I am informed that you have made some very heavy and unnecessary drafts of specie from several banks, and particularly from the Pennsylvania and Farmers' and Mechanics' Banks, with indications of a disposition to persevere, which has excited considerable apprehension. I therefore deem it necessary to inform you, that a continuance of that system, will induce the prompt application of a specific remedy."

From my personal intercourse with Mr. Gallatin, I know he entertained the sentiments communicated in this letter, and I presume they have been entertained by all of his predecessors and successors in office, and acted upon whenever cases occurred which rendered it necessary.

When I entered upon the duties of Secretary of the Treasury, on the 22d of October, 1816, the banks in all the States, except those in Massachusetts, had suspended specie payments. My immediate predecessor in office had made an ineffectual attempt, in the course of that year, to induce them to commence specie payments, by discharging, in specie, all notes not exceeding five dollars. By the charter of the Bank of the United States, it was to go into operation on the 1st of January, 1817. It was, after mature deliberation, determined that another effort should be made by the Treasury Department, to induce the State banks to aid the Bank of the United States, in restoring the currency to a sound State. There was then

in the Treasury more than eleven millions of dollars, deposited in the State banks, and the estimate of receipts for the year 1817, considerably exceeded that of the expenditure for the year. It was, therefore, proposed by the Department that no part of the sums then in the State banks, should be drawn from them before the 1st of July, unless the receipts should not be equal to the expenditure, an event which there was no reason to apprehend, and that, after that time, it should be gradually drawn, as the public service should require, but in no case were drafts to be drawn in favor of the Bank of the United States, unless it should become necessary to protect it against the State banks. This advantageous proposition was declined without hesitation. The banks in the principal Atlantic cities, however, entered into an arrangement with the Bank of the United States, by which they engaged to resume specie payments, and, in the course of the year 1817, the resumption, with but few exceptions, became general throughout the Union. Towards the close of the year 1818, some of the banks in the Western States stopped payment. The sudden fall in the price of all domestic articles, which occurred about the same period, created a general pressure upon the banks. In the Winter and Spring of 1819, the Bank of the United States was, in the opinion of the enlightened officer who presided over its direction, in a great degree indebted for the preservation of its credit to the forbearance of its creditors, and to the support which it received from the Treasury Department, Such were my impressions of its critical state, that I felt it my duty to accept propositions made by the Board of Directors, which, under other circumstances, would have been declined.

During this general pressure, the banks in this District, which, upon the establishment of the office of discount and deposite in the city, had not taken advantage of that event, to reduce their circulations, by contracting their discounts, were pressed by continual and increasing demands for specie from the Eastward, and by the return of their notes upon them from the western parts of Virginia, where certain banks, chartered by that State, had commenced, or were preparing to commence business. Pressed thus, on both sides, their means of meeting the demands made upon them, and of preserving their credit, were believed to be insufficient. In this critical situation, several of them applied, personally, by their directors, to the Department, to ascertain whether, in case of great emergency, they would receive any support. Considering this crisis as highly important to the nation, and believing that a failure of one or more of those banks would produce a general run upon all, of a different nature from that which was then pressing upon them, assurances were given, that a reasonable support might be relied upon.

In consequence of this assurance, deposites were, from time to time, made in the Union Bank of Alexandria, the Mechanics' Bank, and the Franklin Bank, of the same place; in the Union and Central Banks of Georgetown; in the Bank of Washington, and in the Patriotic Bank. All these sums have been repaid, except the sum of $48,000, deposited in the Franklin Bank of Alexandria. The whole of the funds of that bank have been assigned to the United States, and legal measures have been adopted by the Attorney of the United States for the recovery of the amount from the debtors of the bank. The letter of that officer, which is herewith communicated, shows that there is no danger of any loss to the United States. Copies of the letters to the Treasurer, directing the deposites to be made in that bank, to his credit, are also communicated. These deposites were made upon the representations of General Thompson Mason, then collector of the district of Alexandria, and of John T. Ricketts, Esq., who were both men of great respectability, and considerable stockholders in the Bank. W. T. Swann, Esq., a man of the fairest character, and of considerable property, was then the President of the Bank. No doubt was entertained of the integrity with which the Bank was administered, and of its capacity, if aided for a short time, of preserving its credit, and of meeting the drafts of the Treasurer for the amount deposited by him to his credit. This anticipation, it is believed, would have been realized, had not the notes of the Bank been so successfully counterfeited, as to have imposed upon its officers to a considerable amount. The same misfortune befel the Central Bank of Georgetown. In the month of May, of the same year, when the Cashier of the Bank of Columbia was about to set out on his journey through the interior of the States of Pennsylvania, Maryland, and Ohio, for the purpose of demanding payment of the special deposite which had been transferred to that bank, he represented to the department that he should be at very considerable expense, and that, during his absence, there might be a press made upon the bank; and, therefore, requested that a deposite of forty-five thousand dollars might be made in the bank, to the credit of the Treasurer. As no charge was to be made for the expense and risk which was incurred, in carrying a large amount of bank notes through the country, the request was considered reasonable, and the deposite was accordingly made. This bank has never ceased to pay its notes in specie, on demand.

These are all the transactions with banks which are believed to be within the intent or terms of the resolution, except certain transactions with the banks in this District, in the early part of the year 1817, which were specifically reported to the two Houses of Congress, on the 10th of December, 1817, and printed among the public documents of that session. In that report, it is stated that a deposite of $75,000 had been made in the Farmers and Mechanics' Bank of Georgetown, to sustain it in its operations, immediately after resuming specie payments. The principle and practice of the Treasury in sustaining the credit of banks, disposed to act correctly, was, in this communication, frankly disclosed to Congress, when not the slightest symptom of dissatisfaction was manifested, or the right or propriety of the practice called, directly or indirectly, in question.

It is presumed that it has not been the practice of the Department to lend the public money to individuals. By reference to letters numbered from 12 to 16, inclusive, it will be found that public money has been advanced to individuals, which, however, have that appearance; but it is possible that those transactions may admit of explanations, which may take from them that character. From Nos. 14, 15, it appears, that considerable sums were, in 1798, advanced to Lane & Salter, and others, to enable them to erect the necessary machinery for making cannon, when no contract for that object had been made. The only case which has occurred since I took charge of the Treasury Department, which can have given rise to that part of the resolution, is one connected with the public money

deposited by the Receiver at Cincinnati, in the Farmers and Mechanics' Bank of that place.

That bank, a short time after the date of its agreement with the Department, in 1819, stopped payment, and has not, when called upon, offered any explanations, or given any reply, to the several letters addressed to it by the Department. When, in the course of that year, Mr. Whann visited Cincinnati, as the agent of the Treasury, to convert the special deposite into current notes or specie, or to obtain acknowledgments that should bear interest, he reported that all the banks upon which he had called, with the exception of the Farmers and Mechanics', had shown a disposition to act fairly—had exposed to him the state of their affairs, and given him such explanations as were satisfactory; but that the officers of that bank had refused to expose the state of its affairs, or give explanations of any kind. It also refused to give any receipt or acknowledgment of the amount which had been deposited in it. No return has yet been made by the bank to the Treasurer, or to his office, stating the amount in its possession. These circumstances had produced a most unfavorable impression, not only as to the integrity with which the bank was directed, but also as to its solvency. In the spring of 1820, Colonel Johnson, of the Senate, as the agent of his brother, applied to the department to ascertain whether, upon his transferring notes to the United States, upon persons in good credit, in this place, a credit would be given to his brother for the amount with the Farmers' and Mechanics' Bank. Believing, as I did, from the circumstances which have been stated, that the debt due by the bank was not safe, and that notes upon solvent persons in this place afforded a more certain prospect of receiving payment than from the bank, the offer was accepted; and notes, to the amount of $30,583 24, a considerable proportion of which were secured by mortgage, were deposited in the Branch of the United States' Bank in this place, and a credit for the amount given to Colonel Johnson with the bank at Cincinnati. The transaction, however, was never considered as a loan of money. It was, in fact, changing one debt for another, and receiving, as it was then, and is still believed, a better security for it than what was given in exchange. Subsequent reflection, however, upon the subject, excited doubts whether the responsibility of changing the nature of any debt due to the United States, except by taking collateral or additional security, ought to be incurred by the department. An application of a similar kind, made subsequently, by the same gentleman, was accordingly declined.

I have the honor to be, &c.

W. H. CRAWFORD.

Hon. JOHN GAILLARD,
President, pro tem., of the Senate.

REVOLUTIONARY PENSIONS.

The Senate took up the message from the House of Representatives, announcing its disagreement to the Senate's amendment to the bill supplementary to the Revolutionary pension laws.

[The amendment disagreed to by the House of Representatives, was a clause inserted by the Senate, to reduce all the Revolutionary pensions twenty per cent.]

Mr. NOBLE moved to postpone the bill indefinitely.

Mr. MORRIL, of New Hampshire, addressed the Chair as follows:

Mr. President: I rise to address you on this occasion, with a feeling and sensibility not usually excited. This is a subject in which not only many individuals, but the Congress of the nation and the whole country itself, are deeply interested. It is a vital question, touching the liberality, the justice, and faith, of the nation.

Sir, I do *not* present myself to the Senate as the advocate of the *intemperate* and *dishonest* soldier, but the poor, honest, disheartened Revolutionary *warrior*—the poor man who fought your battles, defended your rights, sustained your character, and achieved your privileges. I am impelled to this by the disappointments and necessities of the heroes of the Revolution. My view of the pledged honor and justice of the nation excites me to this duty. In the performance of it, my design will be, if *possible*, to *convince* the Senate, (as intimated by the honorable gentleman from Indiana, Mr. NOBLE,) that this bill ought not to be postponed; but to pass into a law. I view the laws on this subject as constituting a contract of a solemn nature between the Government and the Revolutionary soldier. Perhaps, sir, I should not use language too strong, if I were to say, they vest in them a right, which is not to be alienated without the consent of both parties. You promised them, would they prove, to your satisfaction, that they had performed certain services, under certain circumstances, and now are, or at any future period may be, so poor, as to need the assistance of their country for support, you would give them a pension during life. They have complied with your proposition; they have confirmed the contract on their part; it is now complete, and you have pledged the honor and faith of the nation to fulfil it on your part. They had, and still have reason to believe, that they will perform this act of justice and good faith, because it was promised and promulgated in a public law of the land, made by the constituted authorities—the Representatives of the people.

Sir, what have you promised? To sustain my positions, I must recur to the laws which you have passed on this subject. In the act of the 18th of March, 1818, you promise "that every commissioned officer, non-commissioned, musician, and private soldier, &c., who served in the war of the Revolution until the end thereof, or for the term of nine months or longer, at any one period of the war, on the Continental establishment, &c., who is yet a resident citizen of the United States, and who is, or hereafter, by reason of his reduced circumstances in life, shall be in need of assistance from his country for support, and shall have substantiated his claim to a pension, in the manner hereinafter directed, shall receive a pension from the United States, if an officer, of twenty dollars per month, during life; if a non-commissioned officer, mariner, musician, marine, or private soldier, of eight dollars per month during life." This, sir, is your engagement. The second section defines the evidence necessary to obtain the benefit of this act, and the manner in which it shall be transmit-

ted to the Secretary of War, and expressly says, "whose duty it shall be, if satisfied (note the expression,) the applicant comes under the provisions of this act, to place such officer, musician, mariner, marine, or soldier, on the pension list of the United States." These quotations contain all the essential provisions of this law. In their application, the Secretary of the Department of War exercised a liberality honorable and just; but perhaps too extensive for the existing state of the Treasury, it not being apprehended so great a number could possibly apply for the benefits of this law. But, in consequence of an undue zeal, and a misconstruction of the law by many of the courts, and an avaricious disposition of the applicants, a much greater number was placed on the pension roll than was anticipated, or than was justly entitled. But, sir, it ought to be borne in mind, that the Secretary of War was to receive the testimony, the certificate of the court, and, "if then satisfied that the applicant came within the provisions of the act, to place him on the pension list." He formed his opinion from the testimony put into his hands, taken under such regulations, and before such a tribunal as you had prescribed. As before observed, it was thought that the testimony was not procured with that scrupulous attention to correctness, nor the certificates given with that good faith, which was desirable; and, also, that the construction of the law, given by the Secretary of the Department of War, was too liberal. A remedy was necessary. This gave rise to the act of May 1st, 1820. This is more particularly explanatory of the act of March, 1818. Here we learn the intention of Congress on this subject: it is, that all persons, of the description stated in said act, under the circumstances therein mentioned, who then were, or at any future time might be, in such reduced circumstances as to need the assistance of their country for support, should be placed on the pension roll of the United States. In order the more accurately to ascertain the real property of the applicant, and decide correctly whether he was in such reduced circumstances as to need the assistance of his country for support, the law of May 1st, 1820, provides, "that no person who now is, or hereafter may be, placed on the pension list of the United States, by virtue of the act of March, 1818, shall, after the payment of that part of the pension which became due on the 4th of March, 1820, continue to receive such pension until he shall have exhibited to some court of record, &c. a schedule, subscribed by him, containing his whole estate and income, (necessary clothing and bedding excepted,) and shall have taken and subscribed an oath," &c.

A certified copy of this schedule, oath, and opinion of the court, shall be delivered to the Secretary of War. The second section provides, "That, on the receipt of the copy of the schedule and oath, it shall be the duty of the Secretary of the Department of War to cause to be stricken from the list of pensioners the name of such person, in case the said person shall not, in his opinion, be in such indigent circumstances as to be unable to support himself without the assistance of his country."

These are the provisions of the law of May 1st, 1820. How to put them into full operation, the honorable Secretary seems to have been at his wit's end. A new course must be adopted—a process which will sweep from the pension roll a great portion of those who deserved well of their country. To effect this, an opinion must be formed; because his opinion is to decide the fate of the applicant, *nolens volens*. To form an opinion, on principle, some definite rule or standard must be devised and established. And, sir, while attending to this part of his duty, the honorable Secretary seems to have been completely beside himself. In his effort to avoid *Scylla*, he has fallen upon *Charybdis*, and while here, he must have settled the rule by which he was to be governed in all his decisions under the operation of the acts of March, 1818, and May, 1820. What is this rule by which the honorable Secretary was to decide all cases under the aforesaid acts? It is this; the property of the applicant is to be estimated by the schedule, deducting therefrom "mortgages given at the time of the purchase of the property, and judgment debts of an old date." This rule we find in an official report made by the honorable Secretary of War. Is not this a singular rule, unreasonable and absurd? Nay, unjust in the extreme? The schedule of an applicant may amount to two hundred dollars. There may be a judgment debt, of recent date, of one hundred and eighty dollars; he may also, in view of his pension, purchase a small piece of land, to the amount of two hundred dollars, and, at the time of purchase, may procure an endorser; but the purchaser, not punctually fulfilling his contract, the endorser becomes dissatisfied, and takes his name from the paper, in consequence of which, the purchaser, to satisfy the grantor, gives a mortgage; this, not being "given at the time of the purchase of the property," although the grantee may not, in fact, be worth one single cent, cannot, by the rule of the honorable Secretary, be deducted from the schedule, any more than the recent judgment debt of one hundred and eighty dollars above stated. Further, the applicant may justly owe, on accompts, notes, or bonds, the full amount of his schedule, nay more, and the honorable Secretary exclude him, under the operation of his rule. This is the practical operation of the rule. This being its operation, I do not hesitate to say, it is unreasonable, absurd, and unjust. Thus we distinctly see, there may be *bona fide* demands against the applicant, to the full amount of his schedule, and much more, and this proved to the perfect satisfaction of the honorable Secretary of War, and yet, by his rule and dictum, he is stricken from the list. Was there ever a tribunal on earth that decided the real value of a person's estate by what he possessed without reference to what he owed? These are the evils we wish to remove. Sir, the operation of this rule was to strike from the roll a great number of the poorest pensioners on the list. With respect to the *quo animo* in this case, I make no inquiry; but, as to the *quo jure*, I

do inquire. I distinctly ask, and I hope some honorable gentleman of this House will answer the question, by what sound principle, or rule of law, could such a regulation be established, and such decisions be made? They are beyond my comprehension; this may be owing to the imbecility of my mind; but I hope, if they are within the scope of human intellect, they will be made known, and illustrated by some honorable member of the Senate. Sir, I said some of the poorest pensioners have been stricken from the list, under the operation of those regulations. Many who obtained a pension under the law of March, 1818, were at the time extremely poor, without house or home. Under the expectation of receiving from the Government a small pittance, annually, during life, they made a purchase, of perhaps a few acres of land, with a small house, where they might repose in life, and go down to the grave in peace. On this perchance they might make one payment, and owe the remainder. Their pension is suspended—their means of payment completely destroyed; but they have made a contract, on the faith of your contract, and their contract must be fulfilled; but, your withholding the means, they are utterly unable; the creditor calls, and not only the property just purchased is taken to discharge the demand, but whatever trifle the pensioner might previously possess, is swallowed up in the interest and cost, and he is left perfectly destitute. These are the persons on whom this rule operates most unjustly. They are the most judicious and honest portion of your applicants. They were disposed to make a good use of your act of justice and liberality. They were honest in making their inventory, yea, too honest to come under the operation of the honorable Secretary's rule.

Many of this character are left without a cent; more wretched and miserable than they were when they first received a pension.

The novelty of this rule, and its unjust operation, excited an interest throughout the nation, and a peculiar sensibility in the other House of Congress. The general impression was, that the honorable Secretary would come to himself, and, on reflection, restore to the pension roll some whom he had stricken off, and thrown into despondency and wretchedness, tenfold more distressing than that in which he found them. This reasonable expectation grew out of the peculiar plainness of the law to authorize such an act. Hence, new representations and pressing applications were made for revisions and reversions; but all in vain. The honorable Secretary was inaccessible and immoveable; still, however, he found himself in a dilemma; but, being determined to adhere, he thought to avoid the consequences by dividing the responsibility between himself and the Attorney General. In comes his aid. And what was the result of these combined powers of intellect and law? The Attorney General very gravely says: "I am asked whether the Secretary of War has 'any power to restore to the list of pensioners, on 'subsequent and different evidence, the name of 'any person who may have been stricken off, on 'the evidence of the schedule: to which I answer, 'he has not; because the law, which is the only 'warrant of authority to him, gives him no such 'power." I consider this opinion an evasion, to say the least. If the Attorney General meant the law of May, 1820, only, this may be less exceptionable, because that law does not touch this particular point. Did not the Attorney General know that the Secretary of War was acting under the express provisions of two laws? That they were both to have influence on his conduct? But, he says, this law gives no power to restore. Very good, there was no need of it; this power was expressly given in the law of March, 1818, and never repealed nor abridged by the law of May, 1820. Hence, I say, that opinion evaded and obscured the real object. What says the law of March, 1818? It is this: "every soldier, &c., who is, or 'hereafter shall be, by reason of his reduced cir-'cumstances in life, in need of assistance from his 'country for support, shall receive a pension," who then was, or at any future period might be reduced, &c. Here is express power given to the Secretary of War, at any time when he is "satisfied the applicant comes under the provisions of this act," to place him on the pension list. Therefore, no provision is made for the exercise of this power, in the law of May, 1820, because it was distinctly delegated in the previous law, and never repealed or diminished.

Sir, I say, for this appeal there was no necessity; because the law is perfectly intelligible and plain. It is impossible that this provision of the act should be misunderstood. This led me to infer that the real object of the honorable Secretary of War, in appealing to the Attorney General, was not for information on an obscure provision of law, but to divide the responsibility.

Now, sir, with respect to the application of this opinion. It is as arbitrary as the rule of the honorable Secretary is unreasonable. It precludes him from reviewing and judging a second time, on the same subject, under new testimony, and circumstances entirely different. If a person is stricken off, "on the evidence of the schedule," yet, "on subsequent and different evidence," if ever so perfect and satisfactory, he cannot be restored. This is contrary to ordinary judicial proceedings. The Judges of the Circuit Courts can hear and determine; the same cause can be brought up to the Supreme Court, where the same Judges may hear and determine again. But not so in this case. These singular decisions have given rise to the present bill.

We will now inquire into the object of this bill. This may be ascertained by examining its express provisions. "Sec. 1. Be it enacted, &c., That 'the Secretary of War be authorized, and he is 'hereby authorized and required, to restore to the 'list of pensioners the name of any person who 'may have been, or hereafter shall be, stricken 'therefrom in pursuance of the act of Congress, 'passed May 1, 1820, if such person, so stricken 'from the list of pensioners, has heretofore fur-'nished, or hereafter shall furnish evidence, in pur-'suance of the provisions of said act, to satisfy the 'Secretary of War that he is in such indigent cir-

'cumstances as to be unable to support himself 'without the assistance of his country." The second section authorizes a judge, in case the bodily infirmity of a Revolutionary soldier be such that he is unable to attend in open court, to take the schedule and testimony at his residence, and report the same to the court, which, in that case, shall be good and valid. The third section defines the time when the pension shall commence, under this bill.

Sir, allow me to ask, what is there unreasonable in the provisions of this bill? You distinctly said, in your first and second laws, that persons so reduced in their circumstances as to be unable to support themselves without the assistance of their country, should receive a pension. You say no more in this. In your second law, you prescribe a mode by which this fact should be ascertained, which, not being construed agreeably to your intention, you propose this bill, to direct a review of the cases erroneously decided under that law. No new power is given by this bill; it is merely saying to the Secretary of War, you now understand our meaning, we require you to exercise the power you now have, and have always had, under the existing pension laws. Is not this proper, just, and necessary? Under the act of March, 1818, 18,418 were placed on the pension list. Under the law of May, 1820, on the 4th of September, 1822, there were 12,331 on the list; death, and the Hon. Secretary of War, have stricken off 6,087. Under the law of May, 1820, there were rejected 2,391; this is the number, and these are the persons, for whom provision is made in this bill: whom, we say, being as meritorious as any now on the list, ought to have the privilege of preferring their claims again, with such testimony as they may be able to furnish. This is all we ask; against its justice, no one can possibly object. For these reasons, I am against the indefinite postponement of the bill, and hope it will pass into a law. Sir, it was my intention to have distinctly shown the favorable operation of this bill upon the Treasury, but the honorable gentleman from Massachusetts, (Mr. MILLS,) having clearly illustrated this fact, I shall add no more, only present my thanks to the Senate, for the attention and candor which they have bestowed upon my remarks.

When Mr. M. had concluded—

The question was taken on indefinite postponement, and decided in the negative—yeas 20, nays 23, as follows:

YEAS—Messrs. Barbour, Benton, Brown of La., Brown of Ohio, Eaton, Edwards, Elliott, Gaillard, Holmes of Mississippi, Johnson of Louisiana, King of Alabama, Lloyd of Maryland, Macon, Noble, Taylor of Indiana, Taylor of Virginia, Van Dyke, Ware, Williams of Mississippi, and Williams of Tennessee.

NAYS—Messrs. Barton, Boardman, Chandler, D'Wolf, Dickerson, Findlay, Holmes of Maine, Kelly, King of New York, Knight, Lanman, Lloyd of Massachusetts, Mills, Morril, Palmer, Parrott, Ruggles, Seymour, Smith of Maryland, Southard, Stokes, Thomas, and Van Buren.

On motion, by Mr. BARBOUR, that the Senate insist on their said amendment, it was determined in the negative—yeas 21, nays 22, as follows:

YEAS—Messrs. Barbour, Barton, Benton, Brown of Louisiana, Brown of Ohio, Eaton, Edwards, Elliott, Gaillard, Holmes of Mississippi, Johnson of Louisiana, Kelly, King of Alabama, Macon, Noble, Stokes, Taylor of Indiana, Taylor of Virginia, Thomas, Van Dyke, Williams of Mississippi, and Williams of Tennessee.

NAYS—Messrs. Boardman, Chandler, D'Wolf, Dickerson, Eaton, Findlay, Holmes of Maine, King of New York, Knight, Lanman, Lloyd of Maryland, Lloyd of Massachusetts, Mills, Morril, Palmer, Parrott, Ruggles, Seymour, Smith of Maryland, Southard, Van Buren, and Ware.

SATURDAY, March 1.

The PRESIDENT communicated a letter from the Postmaster General, transmitting a statement of all contracts made by the Post Office Department during the last year; and the letter and statement were read.

On motion, by Mr. RUGGLES, the Committee of Claims, to which was referred the memorial of Henry P. Wilcox, administrator of Joseph Wilcox, the memorial of William Patterson, and others, merchants, of the city of Baltimore; the memorial of Alfred Moore and Sterling Orgain; the documents in support of the claim of David Cooper; the document in support of the claim of Robert Shaw; the resolution of the Senate in relation to the claim of Jacob Butler; the petition of Joshua Clark; the petition of Daniel Brown; the petition of Augustus Porter, and others; the petition of Samuel Bent; the petition of Jeremiah Downs; the petition of Edward Owings; the petition of Walker K. Armistead; the petition of Richard S. Chappel; the petition of Thomas Eastman; the petition of Samuel Odlin; the petition of John Rodgers, a Cherokee chief; the petition of James Pelot; the petition of D. G. Cowan; and, also, the petition of John Nicholson, marshal of the United States at New Orleans, were discharged from the further consideration thereof, respectively.

On motion, by Mr. TAYLOR, of Virginia, the Secretary of the Treasury was directed to lay before the Senate, during the first week of its next session, the amount of interest received or receivable, in each State, on the public debt; the amount of dividends paid or payable, in each State, by the Bank of the United States; all in reference to the year 1823; and the amount of duties on tonnage and imports, received in each port, during the year ending on the 30th of September next; and the amount of the direct taxes still due and unpaid, in each State of the United States.

Resolved, That the Secretary of State be directed to lay before the Senate, during the first week of its next session, a list of the factories, in each State, employed in manufacturing for sale such articles as would be liable to duties if imported from foreign countries; the said list to be extracted from the Digest of Manufactures, and such other sources of information as he possesses,

or can obtain; and to specify, as far as possible, the capital of each factory, and whether it is incorporated or not by State laws.

Resolved, That the Secretary of War be directed to lay before the Senate, during the first week of its next session, the number of Revolutionary pensioners, in each State, then on the pension list; the amount of money received or receivable, in each State, on account of Revolutionary pensioners; and the amount of the expense on account of the Academy at West Point, for one year preceding the 30th of September next.

Mr. HOLMES, of Maine, from the Committee on Finance, to which was referred the bill, entitled "An act making appropriations for certain fortifications of the United States, for the year 1823, and for other purposes," reported the same, without amendment.

On motion, by Mr. HOLMES, of Maine, the Committee on Finance were discharged from the further consideration of the petition of Seth Knowles.

Mr. NOBLE presented the petition of Richard Fordham, praying payment of arrears of wages due to him for services rendered during the Revolutionary war, or a pension. The petition was read, and referred to the Committee on Pensions.

On motion, by Mr. PARROTT, the Committee on Naval Affairs, to which was referred the report of the Secretary of the Navy, exhibiting a statement of the expenditures and unexpended balances; the report of the Commissioners of the Navy Pension Fund; the resolution of the Senate in relation to a bounty on prisoners and guns taken in piratical vessels; the petition of George Ulmer; the petition of Sarah Perry; and also the petition of Susan W. Eakin, were discharged from the further consideration thereof, respectively.

The resolution offered yesterday by Mr. SMITH of South Carolina, relative to the judgment against William Duane, was taken up and agreed to.

The report of the Committee on the Post Office and Post Roads, adverse to transmitting the laws of the several States free of postage, was also taken up and agreed to.

The Senate proceeded to consider the amendment of the House of Representatives to the bill, entitled "An act for the relief of Nimrod Farrow, Richard Harris, and their sureties:" Whereupon, on motion of Mr. BARBOUR, it was concurred in.

The Senate proceeded to consider the amendment of the House of Representatives to the bill, entitled "An act to establish an additional land office in the State of Missouri:" Whereupon, they concurred therein.

The bill, entitled "An act to amend an act, entitled 'An act further to regulate the entry of merchandise imported into the United States from any adjacent territory," was read a third time, as amended, and passed.

The bill, entitled "An act for the better organization of the District Court of the United States within the State of Louisiana," was read a third time, as amended, and passed.

The bill, entitled "An act for the relief of Captain Richard Hightower," was read a third time, as amended, and passed.

The bill, entitled "An act making appropriations for the support of Government for the year 1823," was read the third time, as amended, and passed.

The bill, entitled "An act making appropriations for the support of the Navy of the United States for the year 1823," was read a third time, as amended, and passed.

The bill, entitled "An act vesting in the State of Virginia the right of the United States to all the fines assessed for non-performance of militia duty, during the late war with Great Britain, within said State," was read the third time, as amended, and passed.

The bills of the following titles were severally read a third time, and passed:

"An act supplementary to 'An act relating to the ransom of American captives of the late war;" "An act to confirm certain claims to lots in the village of Peoria, in the State of Illinois;" "An act extending the time for issuing and locating military land warrants to officers and soldiers of the Revolutionary army;" "An act to amend the ordinance and acts of Congress for the government of the Territory of Michigan;" "An act for the relief of James Morrison, of Kentucky;" "An act for the relief of Abraham Snyder;" "An act further to prolong the continuance of the Mint at Philadelphia;" "An act further to extend the provisions of the act, entitled 'An act supplementary to an act, entitled 'An act for the relief of the purchasers of public lands, prior to the first July, 1820;" "An act to continue in force an act, entitled 'An act regulating the currency within the United States of the gold coins of Great Britain, France, Portugal, and Spain, and the crowns of France, and five-franc pieces,' passed on the 29th day of April, 1816, so far as the same relates to the crowns of France, and five-franc pieces;" "An act making the gold coins of Great Britain, France, Portugal, and Spain, receivable in payment on account of public lands;" "An act to extend the time allowed for the redemption of lands sold for direct tax, in certain cases;" "An act for the relief of James Rees, of New York, one of the sureties of Joseph H. Rees, deceased, late assistant deputy paymaster general in the service of the United States;" "An act for the relief of Henry Lee, one of the sureties of John Ricaud, late a paymaster in the service of the United States;" "An act to alter the times of holding the district court of the United States for the district of Vermont;" "An act for the relief of Polly L. Campbell, widow of Colonel John B. Campbell, deceased, late of the 11th regiment of United States infantry;" "An act for the relief of John B. Hogan;" and "An act respecting stamps."

A message from the House of Representatives informed the Senate that the House have passed the bill which originated in the Senate, entitled "An act to establish a National Armory on the Western waters," with an amendment; and, also, the bill, entitled "An act to authorize the building

of lighthouses, light vessels, and beacons, therein mentioned, and for other purposes," with an amendment; in which amendments they request the concurrence of the Senate.

The Senate proceeded to consider the amendment to the bill last mentioned, and concurred therein.

The Senate proceeded to consider the amendment of the House of Representatives to the bill, entitled "An act to establish a National Armory on the Western waters," and concurred therein.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act for the relief of Nimrod Farrow and Richard Harris;" and, on motion, it was laid on the table.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act making further appropriations for the military service of the United States for the year 1823; and, the same having been amended, it was reported to the House accordingly; and, the amendments being concurred in, they were ordered to be engrossed, and the bill read a third time, as amended. The bill was then read a third time, as amended, and passed.

A message from the House of Representatives informed the Senate that the House concur in the amendments of the Senate to the bill, entitled "An act making appropriations for the support of Government, for the year 1823," with an amendment, in which they request the concurrence of the Senate. They concur in one, and disagree to the other, amendment of the Senate, to the bill, entitled "An act making appropriations for the military service for the year 1823."

The Senate proceeded to consider their amendment to the bill last mentioned, disagreed to by the House of Representatives, and, on motion, by Mr. HOLMES, of Maine, the Senate receded therefrom.

The Senate proceeded to consider the amendment of the House of Representatives to their amendment to the bill, entitled "An act making appropriations for the support of Government, for the year 1823," and concurred therein.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act altering the time for holding the circuit court in the States of Maine and New Hampshire;" and, no amendment having been made thereto, it was reported to the House, and passed to a third reading; and it was read a third time, by unanimous consent, and passed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act for the discharge of John Burgin from imprisonment;" and, no amendment having been made, it was reported to the House, ordered to a third reading, and passed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act respecting the punishment of piracy;" and, no amendment having been made, it was reported to the House, ordered to a third reading, and passed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act for carrying into effect the Convention of Navigation and Commerce between the United States and France, concluded at Washington, on the 24th day of June, 1822;" and, no amendment having been made thereto, it was reported to the House, and ordered to a third reading, and passed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act for the relief of Charles Carr, of Kentucky, late paymaster to Colonel Dudley's regiment of Kentucky militia; and no amendment having been made thereto, it was reported to the House, ordered to a third reading, and passed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act making appropriations for the public buildings," together with the amendment reported thereto by the Committee on Finance; and, the amendment having been agreed to, the bill was reported to the House, amended, accordingly; and, the same being concurred in, the bill was ordered to a third reading, and passed.

The Senate resumed, as in Committee of the Whole, the consideration of the resolution to direct the withholding of the compensation of certain prize agents; and, the same having been amended, it was reported to the House, read a third time, and passed.

The Senate resumed, as in Committee of the Whole, the consideration of the resolution concerning the Indians in the Territory of Florida, and on motion, it was laid on the table.

MILITARY APPROPRIATIONS.

The Senate took up, in Committee of the Whole, the bill making appropriations for the Military Establishment for the year 1823.

The Committee of Finance, to which this bill had been referred in the Senate, amongst other items, reported an amendment making an appropriation of $50,000 for the extinguishment of certain Indian reservations of land in the State of Georgia. [This is the same proposition which was so fully discussed in the House of Representatives when the same bill was under consideration, and was lost by a small majority.]

On the question of concurring in this amendment a debate arose of considerable extent—Messrs. HOLMES of Maine, ELLIOTT, MACON, VAN BUREN, and CHANDLER, supporting the appropriation, and Mr. LANMAN opposing it, chiefly on the ground that the act was, at this time, premature and unnecessary. The amendment was agreed to without a division.

The other amendments reported by the Committee of Finance having been discussed and adopted—

Mr. JOHNSON, of Louisiana, offered as an amendment an additional section, authorizing the President of the United States to apply the unexpended balance of the appropriation of 1820 for the fulfilment of the Choctaw treaty, in obtaining a modification of that treaty, so as to remove the Choctaw Indians beyond the limits of the Territory of Arkansas.

This amendment was supported by Messrs. JOHNSON of Louisiana, BENTON, and KING of Alabama, and it was agreed to without a division.

The bill was then ordered to a third reading, and passed.

OFFICE OF MEASURER.

The bill to abolish the office of measurer in the collection of the revenue, and assigning the duties thereof to the inspectors, was taken up.

Mr. HOLMES, of Maine, explained to the Senate the grounds on which the bill was predicated, and which rendered it expedient. The main reason was, that the office was unnecessary, and had been so stated by the Secretary of the Treasury.

Mr. LLOYD, of Massachusetts, doubting the expediency of pulling down a system of thirty years standing, on such short notice, and questioning, altogether, from his present information, the propriety of the arrangement proposed by the bill, he was opposed to it, and entered into some statements to show why he deemed it inexpedient. He opposed it, however, principally, on the ground that there was not time properly to investigate the subject now, and moved the indefinite postponement of the bill.

Mr. SMITH, of Maryland, advocated the bill on account of the large amount it would save in the collection of the revenue.

Mr. JOHNSON, of Louisiana, moved to lay the bill on the table, but the motion was negatived—ayes 17, noes 18.

Some further debate followed on the bill, in which Mr. HOLMES, of Maine, supported the bill, and Mr. PARROTT opposed it, who controverted, by calculations and reasoning, the facts and arguments urged in favor of the bill. Mr. LLOYD added some remaks, to show that, if the offices were united, the number of inspectors must be increased in proportion to the number of measurers abolished, so that no saving would take place. He also read a resolution (subjoined) which he should offer, if the bill were postponed.

The question being taken on the indefinite postponement of the bill, it was carried—ayes 19, noes 12.

Mr. LLOYD, of Massachusetts, then offered the following resolution, which was read and adopted, viz:

Resolved, That the Secretary of the Treasury be directed to cause to be laid before the Senate, at the commencement of the next session of Congress, the amount received by every officer in the customs, from his per diem and every other allowance to which he is entitled, in consequence of his official employment; and whether any offices may not be abolished consistent with the public interest.

The last clause of the resolution was added at the suggestion of Mr. HOLMES, of Maine.

The Senate, then adjourned to five o'clock this evening.

Five o'clock, P. M.

A report was received from the Secretary of War, rendered in obedience to the resolution of the Senate of the 27th February, exhibiting the number of officers and soldiers disabled in the service of the United States in the late war, who have been placed on the pension list since the last session, &c., which report was ordered to be printed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act for the relief of Woodson Wren;" and no amendment having been made thereto, it was reported to the House, read a third time, and passed.

A message from the House of Representatives informed the Senate that the House have passed the following bills, with amendments, in which they request the concurrence of the Senate: "An act for the relief of Ebenezer Stevens and others;" "An act for the punishment of frauds committed on the Government of the United States;" "An act to continue in force the act, entitled 'An act to provide for reports of decisions of the Supreme Court,' passed the third day of March, 1817;" "An act granting to the State of Alabama the right of pre-emption to certain quarter sections of land."

The Senate proceeded to consider the amendment of the House of Representatives to the bill, entitled "An act for the relief of Ebenezer Stevens and others," and concurred therein.

The Senate proceeded to consider the amendment of the House of Representatives to the bill, entitled "An act for the punishment of frauds upon the Government of the United States," and concurred therein.

The Senate proceeded to consider the amendment of the House of Representatives to the bill, entitled "An act to continue in force the act, entitled 'An act to provide for reports of decisions of the Supreme Court,' passed the 3d day of April, 1817," and concurred therein.

The Senate proceeded to consider the amendments of the House of Representatives to the bill, entitled "An act granting to the State of Alabama the right of pre-emption to certain sections of land," and concurred therein.

The Senate preceeded to consider the amendments of the House of Representatives to the bill, entitled "An act granting to the State of Alabama the right of pre-emption to certain quarter sections of land," and concurred therein.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act supplementary to 'An act for the better organization of the courts of the United States, within the State of New York;" and, no amendment having been made, it was reported to the House, read a third time, and passed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act for the relief of Nathan Branson;" and, no amendment having been made, it was reported to the House, read a third time, and passed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act for the relief of Sophia B. Ford, Nathan Ford, and Jacob Arnold, jr., administrators of the estate of Mahlon Ford, deceased;" and, no amendment having been made, it was reported to the House, read a third time, and passed.

The Senate resumed, as in Committee of the

Whole, the consideration of the bill, entitled "An act for the relief of James H. Clark;" and, no amendment having been made, it was reported to the House, read a third time, and passed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act to authorize the Commissioner of the General Land Office to remit the instalments due on certain lots in Shawneetown, in the State of Illinois," together with the amendments reported by the Committee on Public Lands; and the same having been agreed to, the bill was reported to the House, amended accordingly; and, the amendments being concurred in, the bill was read a third time, and passed.

[The title was amended so as to strike out "Commissioner of the General Land Office," and insert, in lieu thereof, "Secretary of the Treasury."]

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act to carry into effect the ninth article of the treaty concluded between the United States and Spain, the 22d day of February, 1819;" and, the same having been amended, it was reported to the House; and, the amendment being concurred in, the bill was read a third time, and passed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act providing for the examination of the titles to land in that part of the State of Louisiana situated between the Rio Hondo and the Sabine river;" and, the same having been amended, it was reported to the House; and the amendment being concurred in, the bill was read a third time, and passed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act for the relief of John Coffee;" and, no amendment having been made thereto, it was reported to the House, read a third time, and passed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act to establish an additional land office in the Territory of Michigan;" and, no amendment having been made thereto, it was reported to the House, read a third time, and passed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act to authorize and empower the Secretary of the Department of the Treasury to sell the public lots and other property belonging to the United States, in the District of Columbia;" and, on motion, it was laid on the table.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act to authorize the Postmaster General to pay for certain repairs to the General Post Office, and to keep the engine house, the fire engine, and apparatus, in repair;" and, no amendment having been made thereto, it was reported to the House, read a third time, and passed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act concerning invalid pensions;" and the further consideration thereof was indefinitely postponed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act for the establishment of a Territorial government in Florida, and for other purposes;" and, no amendment having been made thereto, it was reported to the House, read a third time, and passed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act to discontinue certain post roads and to establish others;" and the same having been amended, it was reported to the House accordingly; and, the amendments being concurred in, the bill was read a third time, and passed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act to authorize the laying out and opening certain public roads in the Territory of Florida;" and, on motion, it was laid on the table.

Mr. HOLMES, of Maine, from the Committee on Finance, to which was referred the bill, entitled "An act making appropriations for certain fortifications of the United States for the year 1823, and for other purposes," reported the same with an amendment.

Mr. JOHNSON, of Louisiana, offered an amendment, for the purpose of appropriating the sum of twenty-nine thousand one hundred and seventy-eight dollars for completing the barracks and other public buildings at Baton Rouge, in the State of Louisiana, and explained at some length the necessity of the appropriation, and earnestly enforced the adoption of the amendment.

Mr. HOLMES, of Maine, and Mr. MACON, opposed it. Mr. JOHNSON, of Louisiana, Mr. BROWN, of Louisiana, and Mr. BENTON, replied, and supported the amendment. Mr. SMITH, of Maryland, and Mr. VAN BUREN, added a few words in favor of the appropriation. The amendment was adopted. The bill was then ordered to a third reading as amended, and passed.

A message from the House of Representatives informed the Senate that the House have passed the bill which originated in the Senate, entitled "An act for the relief of the heirs of Alexander Montgomery, deceased;" and also the resolution directing the printing of the Journal of Congress from the 5th day of September, 1774, to the 3d day of November, 1786, with amendments, in which they request the concurrence of the Senate.

The Senate proceeded to consider the amendment of the House of Representatives to the last mentioned resolution: whereupon, resolved that they do not concur therein.

The Senate proceeded to consider the amendments of the House of Representatives to the last mentioned bill, and concurred therein.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act amending and supplementary to the act for ascertaining claims and titles to land in the Territory of Florida, and to provide for the survey and disposal of the public loans in Florida;" and the same having been amended, it was reported to the House; and, the amendments being concurred in, the bill was read a third time, and passed.

A message from the House informed the Senate

that the House insist on their amendment to the resolution directing the printing of the Journal of Congress from the 5th day of September, 1774, to the 3d day of November, 1786.

Whereupon, on motion, it was *Resolved*, That the Senate adhere to their disagreement to the said amendment.

Mr. BARTON, from the Committee of Claims, to which was referred the bill, entitled "An act for the relief of Thaddeus Mayhew," reported the same without amendment; and, on his motion, it was laid on the table.

A message from the House of Representatives informed the Senate that the House adhere to their amendment to the resolution directing the printing of the Journal of Congress, from the 5th day of September, 1774, to the 3d day of November, 1786.

[This being the last day of the session but one, and the joint rule of Congress forbidding that any bill shall be presented to the President of the United States, for his approbation, on the last day, the Senate continued in session until near three o'clock in the morning, considering the remaining bills from the other House; and in reading the third time and passing those bills which had previously, yesterday and to-day, been ordered to a third reading.]

MONDAY, March 3.

On motion by Mr. BARBOUR, the Committee on the District of Columbia, to which was referred the memorial of Robert Young and Richard Bland Lee; and the Committee on Foreign Relations, to which was referred the bill, entitled "An act to repeal the third section of the act, entitled 'An act supplementary to an act, entitled 'An act concerning navigation,'" were discharged from the further consideration thereof, respectively, and the bill was laid on the table.

On motion by Mr. NOBLE, the Committee on Pensions, to which was referred the petition of Richard Fordham, were discharged from the further consideration thereof.

On motion by Mr. HOLMES, of Maine, the Committee on Finance, to which was referred the petition of Benjamin Desobry; the memorial of the Legislature of Louisiana, in relation to the act of Congress of 1819, providing that foreign coins should cease to be current in the United States; the instructions of the Legislature of Alabama, in relation to a tonnage duty on all vessels coming to the ports of Mobile and Blakeley; the memorial of the same Legislature, requesting a treaty may be held with the Cherokee nation of Indians; and, also, the resolution in relation to the silver coins of Mexico, were discharged from the further consideration thereof, respectively.

Having received official information that the President of the United States had approved the several bills presented for his signature,

The Senate appointed Mr. MACON and Mr. KING, of New York, to give the customary notice to the President of the United States, that they had completed all the legislative business before them, and were ready to adjourn.

The Senate then went into the consideration of Executive business, and continued so occupied until half past 3 o'clock; when they adjourned to 6 o'clock, P. M.

At six o'clock the Senate resumed its session, and continued with closed doors (deliberating on Executive nominations, it was understood,) until a late hour; when the Senate adjourned *sine die*.

PROCEEDINGS AND DEBATES

OF THE

HOUSE OF REPRESENTATIVES OF THE UNITED STATES,

AT THE SECOND SESSION OF THE SEVENTEENTH CONGRESS, BEGUN AT THE CITY OF WASHINGTON, MONDAY, DECEMBER 2, 1822.

MONDAY, December 2, 1822.

At 12 o'clock, precisely, the Speaker, (Mr. P. P. BARBOUR, of Virginia,) took the chair, and Mr. SAMUEL BURCH, principal clerk in the office of Clerk of the House of Representatives, called over the roll of members, when it appeared that the following members were present, viz:

From Maine.—Joshua Cushman, Joseph Dane, Ebenezer Herrick, Mark L. Hill, Enoch Lincoln, and William D. Williamson.

From New Hampshire.—Josiah Butler, Matthew Harvey, Aaron Matson, William Plumer, jr., Nathaniel Upham, and Thomas Whipple, jr.

From Massachusetts.—Samuel C. Allen, Francis Baylies, Lewis Bigelow, Henry W. Dwight, William Eustis, Timothy Fuller, Benjamin Gorham, Aaron Hobart, Jeremiah Nelson, John Reed, and Jonathan Russell.

From Rhode Island.—Job Durfee, and Samuel Eddy.

From Connecticut.—Noyes Barber, Henry W. Edwards, John Russ, Ansel Sterling, Ebenezer Stoddard, and Gideon Tomlinson.

From Vermont.—Samuel C. Crafts, Elias Keys, Rollin C. Mallary, John Mattocks, and Phineas White.

From New York.—Churchill C. Cambreleng, Samuel Campbell, Alfred Conkling, John D. Dickinson, John Gebhard, James Hawks, Thomas H. Hubbard, Joseph Kirkland, Elisha Litchfield, Richard McCarty, Walter Patterson, Jeremiah H. Pierson, Nathaniel Pitcher, William B. Rochester, Charles H. Ruggles, Cadwallader D. Colden, Micah Sterling, John W. Taylor, Albert H. Tracy, Stephen Van Rensselaer, William W. Van Wyck, Reuben H. Walworth, Silas Wood, and David Woodcock.

From New Jersey.—Ephraim Bateman, George Cassedy, Lewis Condict, George Holcombe, James Matlack, and Samuel Swan.

From Pennsylvania.—John Brown, William Darlington, George Denison, Samuel Edwards, Patrick Farrelly, John Findlay, Samuel Gross, Joseph Hemphill, James McSherry, James S. Mitchell, Thomas Murray, jr., Thomas Patterson, John Phillips, George Plumer, Thomas J. Rogers, and John Tod.

From Delaware.—Louis McLane.

From Maryland.—Philip Reed, Joseph Kent, Peter Little, John Nelson, Samuel Smith, Henry R. Warfield, and Robert Wright.

From Virginia.—Mark Alexander, William S. Archer, Burwell Bassett, Robert S. Garnett, Edward B. Jackson, James Jones, William McCoy, Charles F. Mercer, Hugh Nelson, Thomas Newton, John Randolph, Arthur Smith, Alexander Smyth, Andrew Stevenson, George Tucker, and Jared Williams.

From North Carolina.—William S. Blackledge, Hutchins G. Burton, Henry Conner, Weldon N. Edwards, Thomas H. Hall, Charles Hooks, John Long, Archibald McNeil, Romulus Sanders, Felix Walker, and Lewis Williams.

From South Carolina.—Joseph Gist, Thomas R. Mitchell, Starling Tucker, and John Wilson.

From Georgia.—Joel Abbot, George R. Gilmer, Edward F. Tatnall, and Wiley Thompson.

From Kentucky.—James D. Breckenridge, Benjamin Hardin, Francis Johnson, John T. Johnson, Thos. Metcalfe, Thomas Montgomery, Anthony New, David Trimble, and Samuel H. Woodson.

From Tennessee.—Robert Allen, Newton Cannon, John Cocke, Francis Jones, and John Rhea.

From Ohio.—Levi Barber, David Chambers, Thos. R. Ross, John Sloane, and Joseph Vance.

From Louisiana.—Josiah Stoddard Johnston.

From Mississippi.—Christopher Rankin.

From Illinois.—Daniel P. Cook.

From Alabama.—Gabriel Moore.

From Missouri.—John Scott.

The following new members appeared, to wit:

From Maine.—Mark Harris, in the room of Ezekiel Whitman, resigned.

From Pennsylvania.—Walter Forward, in the room of Henry Baldwin, resigned; and Thomas Forrest, in the room of William Milnor, resigned.

From Delaware.—Daniel Rodney, in the room of Cæsar A. Rodney, resigned.

From Virginia.—James Stephenson, in the room of Thomas Van Swearingen, deceased; and

From Indiana.—Jonathan Jennings, in the room of William Hendricks, resigned—

Who severally produced their credentials, were qualified, and took their seats.

JAMES WOODSON BATES, the Delegate from the Territory of Arkansas, also appeared and took his seat.

On motion of Mr. TAYLOR, of New York, a message was ordered to be sent to the Senate, informing that body that a quorum of this House

was formed, and was ready to proceed to business.

On motion of Mr. Taylor, also, it was ordered, that a committee be appointed, to act jointly with such committee as may be appointed by the Senate, to wait on the President of the United States, and inform him that the two Houses were in session, and ready to receive any communication which he might have to make to them.

BALLOTING FOR CLERK.

After receiving a message from the Senate, by their Secretary, that they had formed a quorum—

On motion of Mr. Taylor, it was ordered, that the House do now proceed to the election of a Clerk, to fill the vacancy occasioned by the death of Thomas Dougherty, esquire, late Clerk of this House.

This being an office to which persons other than members of the House may be elected, nominations of candidates are, by the rules of the House, required previous to election; and twenty persons were nominated as candidates for the office.

The balloting took place.

Mr. Hill, from the Committee of Tellers, reported, that the whole number of votes given in was 154, of which William Milnor received 14, Samuel Burch 10, Levi H. Clarke 19, B. S. Chambers 17, S. D. Franks 15, Tobias Watkins 12, Robert Temple 13, Edward W. Du Val 5, S. A. Foot 9, James H. Pleasants 13, Mr. Briggs 5, J. S. Williams 4, M. St. C. Clarke 9, and of the other votes not more than three were given to any candidate.

Mr. Taylor, from the committee appointed to wait on the President of the United States, reported that the committee had performed that duty, and had received for answer that the President would, to-morrow, at 12 o'clock, make a communication to the House in writing.

Another balloting then took place for Clerk, the result of which was as follows: Whole number of votes 140; for Mr. Temple 15, Mr. Foot 9, Mr. L. H. Clarke 22, Mr. Milnor 12, Mr. Franks 13, Mr. M. St. Clair Clarke, 12, Mr. Burch 6, Mr. Watkins 10, Mr. Chambers 20, Mr. Goldsborough 4, Mr. Pleasants 13; no one other person voted for having more than three of the remaining votes.

A third balloting then took place, which resulted as follows: Whole number 149; for Mr. Temple 23, Mr. Foot 8, Mr. L. H. Clarke 24, Mr. Milnor 9, Mr. Franks 13, Mr. M. St. Clair Clarke 14, Mr. Watkins 12, Mr. Chambers 20, Mr. Pleasants 15, no one other person voted for having received more than four votes.

A fourth balloting then took place, in which Mr. Temple received 28 votes, Mr. Foot 6, Mr. L. H. Clarke 26, Mr. Milnor 7, Mr. Franks 8, Mr. M. St. C. Clarke, 17, Mr. Goldsborough 7, Mr. Watkins 6, Mr. Chambers 25, Mr. Pleasants 17.

A fifth balloting took place, which gave to Mr. Temple 46 votes, Mr. L. H. Clarke 21, Mr. Franks 10, Mr. M. St. C. Clarke 21, Mr. Chambers 28, Mr. Pleasants 8, and there were 9 scattering votes.

The sixth balloting gave to Mr. Temple 54, Mr. L. H. Clarke 12, Mr. Chambers 29, Mr. M. St. C. Clarke, 24, Mr. Pleasants 17, Mr. Franks 9, and 3 scattering votes.

The House then adjourned, without, having made an election of Clerk.

TUESDAY, December 3.

Several other members, to wit: From Connecticut, Daniel Burrows; from New York, Chas. Borland, jr., and John J. Morgan; from Maryland, Raphael Neale; from Virginia, William Smith, John Floyd, and Thomas L. Moore; from Kentucky, John Speed Smith; and from Ohio, John W. Campbell, appeared and took their seats.

The Speaker laid before the House letters from the Secretaries of the State, Treasury, War, and Navy Departments, and from the Postmaster General, each transmitting a report of the number of officers and messengers retained in their respective departments, which were severally ordered to lie on the table.

The Speaker also laid before the House a letter from the Governor of the State of Pennsylvania, enclosing authentic returns of the election of Thomas Forrest, Samuel D. Ingham, and Walter Forward, to serve in this House as Representatives of that State in the room of William Milnor, Samuel Moore, and Henry Baldwin, who have resigned; which letter and returns were ordered to lie on the table.

A Message was received from the President of the United States, which was read, and committed to the Committee of the Whole on the state of the Union, and five thousand copies thereof, with the accompanying documents, ordered to be printed for the use of the members of this House.

[For this Message, see Senate proceedings, *ante* page 12.]

ELECTION OF CLERK.

The House then proceeded to ballot (the 7th time) for a person to fill the vacancy of Clerk of the House, in the place of the late Thomas Dougherty, Esq., and the votes were as follows:

For Robert Temple,	46	For John H. Pleasants,	12
B. S. Chambers,	26	William Milnor,	11
Levi H. Clarke,	19	M. St. C. Clarke,	5*
S. D. Franks,	16	Tobias Watkins,	3
Samuel A. Foot,	13		

The eighth ballot gave—

For Mr. Temple,	47	For Mr. Foot,	16
Mr. Chambers,	25	Mr. Pleasants,	3
Mr. L. H. Clarke,	5	Mr. Milnor,	9
Mr. Franks,	20	Mr. St. C. Clarke,	29

The ninth ballot gave—

For Mr. Temple,	50	For Mr. Foot,	16
Mr. Chambers,	23	Mr. St. C. Clarke,	45
Mr. Franks,	15		

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* In this report of the Tellers, there was an error, as afterwards appeared. The votes placed to the credit of Levi H. Clarke were mostly intended for Mr. M. St. C. Clarke.

The tenth ballot gave—

For Mr. Temple,	55	For Mr. Foot,	13
Mr. Chambers,	7	Mr. St. C. Clarke,	71
Mr. Franks,	2		

The eleventh ballot gave—

For Mr. St. C. Clarke,	98	For Mr. Temple,	48
Scattering,	4		

So MATTHEW ST. CLAIR CLARKE, having a majority of all the votes, was declared by the SPEAKER to be duly elected Clerk of this House.

Mr. CLARKE accordingly attended, and was sworn into office.

STANDING COMMITTEES.

On motion of Mr. LITTLE, it was ordered that the SPEAKER be directed to appoint the Standing Committees of this House, when the following Standing Committees were announced:

Committee of Elections.—Mr. Sloane, Mr. Edwards of North Carolina, Mr. Kirkland, Mr. Moore of Virginia, Mr. Rogers, Mr. Mallary, and Mr. Tucker of South Carolina.

Committee of Ways and Means.—Mr. Smith of Maryland, Mr. McLane, Mr. Mitchell of South Carolina, Mr. Jones of Tennessee, Mr. Thompson, Mr. Andrew Stevenson, and Mr. Cambreleng.

Committee of Claims.—Mr. Williams of North Carolina, Mr. McCoy, Mr. Edwards of Connecticut, Mr. Litchfield, Mr. Forrest, Mr. Matson, and Mr. Reed of Maryland.

Committee of Commerce.—Mr. Newton, Mr. Tomlinson, Mr. Hill, Mr. Abbot, Mr. Morgan, Mr. Hardin, and Mr. Durfee.

Committee of Public Lands.—Mr. Rankin, Mr. Scott, Mr. Cook, Mr. Cannon, Mr. Sterling of New York, Mr. Bassett, and Mr. Jennings.

Committee on the Post Office and Post Roads.—Mr. Francis Johnson, Mr. Hooks, Mr. Gross, Mr. Stoddard, Mr. Campbell of New York, Mr. Bateman, and Mr. Wilson.

Committee for the District of Columbia.—Mr. Kent, Mr. Mercer, Mr. Neale, Mr. Matlack, Mr. Patterson of Pennsylvania, Mr. Rochester, and Mr. James Stephenson.

Committee on the Judiciary.—Mr. Nelson of Virginia, Mr. Plumer of New Hampshire, Mr. Dickinson, Mr. Burton, Mr. Sanders, Mr. Johnston of Louisiana, and Mr. Hemphill.

Committee on Pensions and Revolutionary Claims.—Mr. Rhea, Mr. Little, Mr. Eddy, Mr. Allen of Tennessee, Mr. Wm. Smith, Mr. Hubbard, and Mr. Barber of Ohio.

Committee on Public Expenditures.—Mr. Montgomery, Mr. Dwight, Mr. Crafts, Mr. Gebhard, Mr. Gist, Mr. Tatnall, and Mr. Harris.

Committee on Private Land Claims.—Mr. Campbell of Ohio, Mr. Conkling, Mr. Moore of Alabama, Mr. Upham, Mr. Sterling of Connecticut, Mr. Crudup, and Mr. Van Rensselaer.

Committee on Manufactures.—Mr. Tod, Mr. Woodson, Mr. Floyd, Mr. Conner, Mr. Nelson of Maryland, Mr. Condict, and Mr. Forward.

Committee on Agriculture.—Mr. Butler, Mr. Baylies, Mr. Garnett, Mr. McNeil, Mr. Vance, Mr. Findlay, and Mr. New.

Committee on Indian Affairs.—Mr. Metcalfe, Mr. Bigelow, Mr. Mitchell of Pennsylvania, Mr. Mercer, Mr. McCarty, Mr. Williamson, and Mr. Williams of Virginia.

Committee on Foreign Affairs.—Mr. Russell, Mr. Wright, Mr. Trimble, Mr. Taylor, Mr. Archer, Mr. Farrelly, and Mr. Rodney.

Committee on Military Affairs.—Mr. Eustis. Mr. Cocke, Mr. Walworth, Mr. Darlington, Mr. Smith of Kentucky, Mr. McCoy, and Mr. Mattocks.

Committee on Naval Affairs.—Mr. Fuller, Mr. Randolph, Mr. Gilmer, Mr. Colden, Mr. Warfield, Mr. Plumer of Pennsylvania, and Mr. Harvey.

Committee on Revisal and Unfinished Business.—Mr. Ross, Mr. Hawks, and Mr. Brown of Pennsylvania.

Committee on Accounts.—Mr. Allen of Massachusetts, Mr. Swan and Mr. Ruggles.

On motion of Mr. HILL, the Clerk was directed to cause the members of this House to be furnished with such newspapers as they may elect; the expense of each member not to exceed the price of three daily papers.

WEDNESDAY, December 4.

Another member, to wit: from North Carolina, JOSIAH CRUDUP, appeared, and took his seat.

A new member, to wit: from South Carolina, ANDREW R. GOVAN, elected to supply the vacancy occasioned by the death of James Overstreet, appeared, produced his credentials, was qualified, and took his seat.

On motion of Mr. COCKE, the Committee of Ways and Means were instructed to inquire into the expediency of prescribing by law a mode by which the Senators and Representatives and Delegates in Congress shall receive their compensation; and also a mode by which the contingent expenses of the Senate and House of Representatives shall be liquidated.

On motion of Mr. MOORE, of Alabama, the Committee on the Judiciary were instructed to inquire into the expediency of allowing the State of Alabama three Representatives, in conformity with the section of the act, entitled "An act for the apportionment of Representatives among the several States, according to the fourth census."

Mr. BATEMAN proposed to proceed to-morrow to elect a Chaplain on the part of this House; but the joint resolution on the subject not having yet come down from the Senate, Mr. B. waived his motion for the present.

On motion of Mr. WALWORTH, the credentials of the newly-elected members were referred to the Committee of Privileges and Elections.

THE MILITIA.

Mr. WHIPPLE, of New Hampshire, offered for consideration the following resolution:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of amending the act making provision for arming and equipping the whole body of the militia of the United Sta tes passed April 23, 1808, so that the arms, provided in

virtue of said act, and transmitted to the several States composing this Union, and the Territories thereof, shall, by each State and Territory, be deposited and kept in proper arsenals, to be provided by such State or Territory, to be delivered to the militia thereof only when they may be called into actual service.

Mr. TAYLOR, of New York, suggested that the committee to be appointed on the general subject of this resolution would seem to be the proper one to which to refer the consideration of this resolution. At the last session, Mr. T. had himself been of opinion that all subjects connected with the militia and with the army, should be referred to the same committee. But, on the motion of a gentleman from Tennessee, a different direction had been given to them, so as to refer to separate committees what related to the militia and to the army. This course having been pursued at the first session of the present Congress, he thought it ought to be persevered in at this session, to the end that the same gentlemen, or nearly the same, being appointed on the same committees, the House might have the advantage of the information gained and the reflection bestowed upon the subjects at the last session. For the present, therefore, he moved that this resolve should lie on the table, until the committees should have been appointed on the President's Message.

Mr. WHIPPLE assenting to this course, the resolve was ordered to lie on the table.

PRESIDENT'S MESSAGE.

The House then, on motion of Mr. TAYLOR, resolved itself into a Committee of the Whole on the President's Message—Mr. CONDICT being called to the Chair.

Mr. TAYLOR proposed the following resolves:

1. *Resolved*, That so much of the Message of the President of the United States as relates to the Convention of Navigation and Commerce between the United States and France, and the commerce between the United States and the British colonies, be referred to the Committee on Foreign Affairs.

2. *Resolved*, That so much of the President's Message as relates to the ninth article of the Treaty with Spain, by which Florida was ceded to the United States, be referred to the Committee on the Judiciary.

3. *Resolved*, That so much of the President's Message as relates to the subject of revenue, be referred to the Committee of Ways and Means.

4. *Resolved*, That so much of the President's Message as relates to the Military Establishment, the Academy at West Point, fortifications, and arsenals, be referred to the Committee on Military Affairs.

5. *Resolved*, That so much of the President's Message as relates to organizing, arming, and disciplining the Militia, be referred to a select committee.

6. *Resolved*, That so much of the President's Message as relates to the Navy and the suppression of piracy, be referred to the Committee on Naval Affairs.

7. *Resolved*, That so much of the President's Message as relates to the suppression of the Slave Trade, be referred to a select committee.

8. *Resolved*, That so much of the President's Message as relates to the execution of the "Act to abolish the United States Trading Establishments," and the condition of the Indians in the Territory of Florida, be referred to the Committee on Indian Affairs.

9. *Resolved*, That so much of the President's Message as relates to Manufactures, and the appointment of an agent to superintend the lead mines, be referred to the Committee on Manufactures.

10. *Resolved*, That so much of the President's Message as relates to the Cumberland Road, be referred to a select committee.

11. *Resolved*, That the said select committees have leave to report by bill or otherwise.

These resolves were agreed to without debate or opposition, and, the SPEAKER having resumed the Chair, they were all in like manner concurred in, with the exception of that which refers to the African slave trade.

That resolution being before the House—

Mr. WRIGHT, of Maryland, said, that his desire to have the resolution relative to the African slave trade considered by itself did not proceed from any objection to that resolution, but from a desire to impress the House with its importance, and lead to such measures as might effectually, as far as depended on the American Government, effect the entire suppression of the slave trade. The American people, coevally with the formation of their Government, by an article of that instrument, laid the foundation for the suppression of that nefarious traffic, against which every American heart revolts.

This subject, Mr. W. said, had been referred to select committees at the last two sessions of Congress, which had each represented the facts deemed important by them, and severally recommended a resolution, "that the President be requested to enter into such arrangements as he may deem suitable and proper, with one or more of the maritime Powers of Europe, for the effectual abolition of the slave trade." By some of these Powers, it had been thought indispensable, to effect that object, that a right of search should be granted to a certain number of ships of the contracting parties of equal force, especially licensed, and within a certain limit authorized to exercise that right. The American Government had felt an indisposition to adopt that mode, from apprehensions that it might be abused, and from a doubt of their Constitutional powers. Mr. W. said it would be found that this is the only effective measure to secure that important purpose; and he hoped that the committee might, at an early period, bring this subject before us in a shape to lead to such a direction to it as may produce the philanthropic effect; and that America, who led the way in this great work of humanity, may be able, within the powers delegated by the Constitution, to act in concert with the European Powers engaged in the suppression of that traffic; and, if it shall be found that they cannot be exercised under our Constitution, that it may be so altered as to leave no impediment to so desirable an object.

Mr. TAYLOR said that the importance of this subject could not be denied; and the motives which had induced him to propose the appointment of a *select* committee on the subject of the

slave trade, had been in a good degree stated by the gentleman from Maryland. The question of the measures necessary for the suppression of piracy had been referred to the Committee on Naval Affairs, one of the standing committees of the House, because that subject was not supposed to involve any important question of national law. But the subject of measures for the suppression of the slave trade was one of the most difficult and delicate, as well as important, that could be brought before the Legislature. It was with a view of having the subject fully investigated, in order to ascertain whether a just, safe, and honorable arrangement might not be made with other Governments, to effect its total suppression, that he had wished it to be referred to a select committee.

Mr. WRIGHT added, that he discovered, from the report from Sierra Leone, that two hundred *free* blacks had been taken by the brig Camperdown, and a great number of free negroes from the same place, by the schooner Mulatto. Vide 45th page, Report last session. He had particularly adverted to this subject, he said, with a sincere hope to enlist the sympathies of this House, and to lead to such an investigation of the facts, that every effort of the nation may be put in operation to abolish this impious traffic.

The resolution was then agreed to, *nem. con.*

Mr. CANNON, Mr. McCARTY, Mr. FINDLAY, Mr. ARTHUR SMITH, Mr. JOHN T. JOHNSON, Mr. SANDERS, and Mr. REED of Massachusetts, were appointed a committee on the subject of the militia, in pursuance of the fifth resolution.

Mr. GORHAM, Mr. PHILLIPS, Mr. GOVAN, Mr. BORLAND, Mr. JONES of Virginia, Mr. HALL, and Mr. HERRICK, were appointed a committee on the subject of the slave trade, in pursuance of the seventh resolution.

Mr. HEMPHILL, Mr. PITCHER, Mr. RUSS, Mr. JACKSON, Mr. LONG, Mr. CUSHMAN, and Mr. STEWART, were appointed a committee on the subject of the Cumberland road, in pursuance of the tenth resolution.

THURSDAY, December 5.

Another member, to wit: from Pennsylvania, ANDREW STEWART, appeared, and took his seat.

On motion of Mr. HARDIN, the Committee on Commerce were instructed to inquire into the expediency of establishing ports of entry and delivery at Louisville in Kentucky, Cincinnati in Ohio, and St. Louis in Missouri.

On motion of Mr. HALL, the Committee on the Post Office and Post Roads were instructed to inquire into the expediency of establishing a post route from Fayetteville, in North Carolina, to Norfolk, in Virginia; and from thence, up the bay, by steamboat carriage, to Baltimore, or such other place as will be most convenient, at all seasons of the year, to form a junction with the main stage road.

On motion of Mr. SMITH, of Maryland, the Committee of the whole House, to which is committed the bill to revive and amend the several acts imposing duties on imports and tonnage, were discharged from the further consideration thereof; and the bill was recommitted to the Committee of Ways and Means.

On motion of Mr. BRECKENRIDGE, the Committee on Military Affairs were instructed to inquire into the expediency of establishing a manufactory of arms on the Western waters.

On motion of Mr. WHIPPLE, the House proceeded to consider the resolution submitted by him yesterday, and laid on the table; and being modified by the mover, by substituting the Committee on the *Militia* for the Committee on *Military Affairs*, was in that shape agreed to by the House.

CLAIM OF BEAUMARCHAIS.

Mr. A. STEVENSON, of Virginia, called the attention of the House to a communication made at a late period of the last session of Congress, by the President of the United States, transmitting to the House the correspondence which had taken place between the French Government and the United States relative to the claim of the heirs of Beaumarchais. The subject had then been referred to a select committee, which did not report upon it. He now moved that the subject be again referred to a select committee.

Mr. CONDICT suggested that the better course would be to refer the subject to the Committee of Claims for investigation, and made a motion accordingly.

Mr. WILLIAMS, of North Carolina said that this claim differed from ordinary claims so far (the evidence in support of it being so voluminous, and the questions it embraced of such magnitude and difficulty) that it ought not to take the course of common cases of claims, but should be referred to a select committee. He intimated, further, that no committee could properly examine the questions involved in this claim, without devoting nearly the whole session to it.

Mr. STEVENSON further supported the reference to a select committee in preference to the standing committee; when—

The question on referring it to the Committee of Claims was taken, and decided in the negative. And the subject was referred to a select committee of five members; and Mr. ANDREW STEVENSON, Mr. CAMBRELENG, Mr. FRANCIS JOHNSON, Mr. DWIGHT, and Mr. HOLCOMBE, were appointed the said committee.

ELECTION OF CHAPLAIN

The resolution from the Senate for the choice of two Chaplains—one for each House—having been received, was taken up, and concurred in. And, on motion of Mr. BATEMAN, the House proceeded to make a choice by ballot of a Chaplain on its part. Mr. COCKE, from the committee of Tellers, reported the following as the result of—

The first ballot.

Rev. Mr. Allison	38	Rev. Mr. McIlvaine	6
" Peyton	35	" Breckenridge	2
" Post	32	" Baker	2
" Bryce	14	" Hunter	1
" Chambers	16		

The second ballot.

Rev. Mr. Breckenridge	32	Rev. Mr. Peyton	18
" Allison	29	" Chambers	7
" Post	27	" Bryce	6
" McIlvaine	27	Scattering	5

The third ballot.

Rev. Mr. Breckenridge	50	Rev. Mr. Peyton	7
" McIlvaine	32	" Bryce	4
" Allison	29	Scattering	6
" Post	28		

The fourth ballot.

Rev. Mr. Breckenridge	69	Rev. Mr. Post	18
" McIlvaine	39	Scattering	3
" Allison	18		

The fifth ballot.

Rev. Mr. Breckenridge	97	Rev. Mr. Post	8
" McIlvaine	32	" Allison	3

So the Rev. Mr. BRECKENRIDGE, of Kentucky, was elected Chaplain on the part of this House.

FRIDAY, December 6.

Another member, to wit: from Virginia, JABEZ LEFTWICH, appeared, and took his seat.

A new member, to wit: from Pennsylvania, SAMUEL D. INGHAM, elected to supply the vacancy occasioned by the resignation of Samuel Moore, also appeared, was qualified, and took his seat.

SOLOMON SIBLEY, the Delegate from the Territory of Michigan, also appeared, and took his seat.

On motion of Mr. JOHNSTON, of Louisiana, the petitions of sundry inhabitants of the parish of Opachita, in the State of Louisiana, owners of a tract of land called "Bastrop's Grant," and others on their behalf, heretofore presented on the 9th and 30th of January, 1822, were referred to a select committee; and Messrs. McLANE, INGHAM, TATNALL, JONES of Tennessee, and BLACKLEDGE, were appointed the said committee.

On motion of Mr. COCKE, the subject of Revolutionary Pensions was referred to a select committee; and Messrs. COCKE, HOBART, CASSEDY, BURROWS, VAN WYCK, McSHERRY, and WALKER, were appointed the said committee.

On motion of Mr. ANDREW STEVENSON, the Committee on the Public Lands were instructed to inquire into the expediency of continuing for a further time the act, entitled "An act to extend the time for locating Virginia military land warrants, and returning surveys thereon to the General Land Office."

On motion of Mr. NEWTON, the Committee of the whole House to which is committed the bill to provide for sick and disabled seamen, were discharged from the consideration thereof, and it was recommitted to the Committee on Commerce.

The House adjourned to Monday.

MONDAY, December 9.

Another member, to wit: from Massachusetts, SAMUEL LATHROP, appeared, and took his seat.

On motion of Mr. MALLARY, the Committee on Revolutionary Pensions were directed to inquire into the expediency of allowing such persons, who may have been stricken from the pension roll, to make new application, and be placed thereon, on complying with the requisitions of the pension laws of 1815 and 1820.

On motion of Mr. COCKE, the Committee on the Public Lands were instructed to inquire whether any, and, if any, what, alterations or amendments of the act, entitled "An act providing for the correction of errors in making entries of land at the land offices," are necessary to be made, so as to afford relief in all cases where such relief may be just and proper.

On motion of Mr. McSHERRY, the Committee on the Public Lands were instructed to inquire into the expediency of extending the provisions of the act for the relief of the purchasers of the public lands, passed on the 2d of March, 1821, so as to permit all such persons to avail themselves of its provisions, as have not heretofore done so.

The House proceeded to consider the report of the Secretary of War of the 2d of May last, on the petition of Moses Burseil: Whereupon, the report and petition were referred to the Committee on Pensions and Revolutionary Claims.

On motion of Mr. SMITH, of Maryland, the Committee of the whole House to which is committed the bill supplementary to, and to amend, an act, entitled "An act to regulate the collection of duties on imports and tonnage," passed 2d of March, 1799, and to repeal an act supplementary thereto, passed 20th of April, 1818, and for other purposes, reported to this House by the Committee of Ways and Means on the 12th of March last, were discharged from the further consideration thereof, and the bill was recommitted to the Committee of Ways and Means.

The Committee of the whole House to which is committed the report of the Committee of Claims, of the last session, on the petition of Nathaniel Childers, were discharged from the further consideration thereof, and the said report and petition were recommitted to the Committee of Claims.

The SPEAKER laid before the House a report from the Postmaster General, stating the number of active and well qualified clerks and accountants which are necessary to perform the duties appertaining to his Department, by giving a reasonable, constant, and diligent attention to business; made in obedience to a resolution of this House of the 7th of May last; which was read, and referred to the Committee on the Post Office and Post Roads.

DISBURSEMENT OF PUBLIC MONEYS.

On motion of Mr. BASSETT, the House then resolved itself into a Committee of the Whole, on the bill, reported at the last session, "concerning the disbursement of public moneys."

The bill having been read—

Mr. BASSETT, as a member of the committee which prepared this bill, stated the general views on which it was founded. This bill, he said, had been drawn with a great degree of caution, so as, by embracing all cases in which advances could

be necessary, to take away any possible objection which could be made against it; and it had afterwards been submitted to the Treasury Department to undergo any alterations which it might appear to require. The jeopardizing of the public money was of that character, Mr. B. said, and the consequent waste of it so enormous, that it was time for this House to look into it. At the last session of Congress, a catalogue of defalcations had been presented, which astonished everybody, embracing a range, the extent of which could hardly have been conceived. Mr. B. recalled the attention of the House also to one or two facts stated in the President's Message. The fact was there disclosed, that, at one time, accounts for one hundred millions of dollars advanced for different objects remained unsettled. Such an amount, dependent on the personal responsibility of individuals, at once tells us how careful Congress ought to be in trusting so great an interest in the hands of public agents. If it had been found that this great trust had been confided to them without injury to the public interest, legislation on the subject might be less necessary; but such was not the fact. At the last session, the House was presented with a large amount of balances due by individuals, and supposed to be lost; and the Message of the President spoke of several millions of suspended accounts. Mr. B. said he had been told that, since the last session of Congress, public officers had gone off the stage of life considerably indebted to the Government—officers, too, in whom the greatest confidence had been placed. This showed, he said, that it was time to change the present system. It was most obvious, if we took the reason of the thing, the history of other countries, or the experience of this, that it was necessary to exercise a more rigorous control over the disbursements of public moneys. It was more than probable, Mr. B. continued, that on the first establishment of this Government, the different State institutions having little connexion or sympathy with one another, it was not very easy to transact the fiscal business of the nation, or to carry money from one part of it to the other, &c.; but the Government had been now established for forty years, and every difficulty of that sort had ceased. Could it be right, on the plea of enabling the poor man to be employed in public service, that the public money should be put in jeopardy? It was not necessary, he said, that it should be so, for the moment the Government makes a contract, the contractor has credit to the amount of his contract, and can borrow or buy upon that credit. It was not true, in fact, that advances were necessary, and it could not therefore be right to make them. These, Mr. B. said, were some of the general views which led the committee to prepare the bill now under consideration, and present it to the House. If the bill were to go through the committee, without amendment, he should then, to afford to gentlemen all proper time to consider the subject, move to lay it on the table.

Mr. SMITH, of Maryland, suggested that few of the members had preserved the printed copies of the bill from the last session; and, as the subject was of some magnitude, he thought the members ought to have an opportunity to examine it. He therefore, with this view, moved that the Committee should rise.

The Committee rose accordingly, and the bill was ordered to be printed.

THE MILITIA.

The next business on the list of orders of the day was two bills, the one for disciplining the militia of the United States, and the other for clothing them at the public expense when called into actual service. The House having resolved itself into a Committee of the Whole thereon, the first of these bills was read.

Mr. CANNON made a few remarks expressive of his conviction of the importance of the subject of the bill, and of his warmest desire to draw the attention of the members to it. All that he now proposed in relation to it was, to incorporate in it the amendments which were recommended at the last session, by the committee which reported it; after which he was willing that the bill should lie on the table for the present, with a view to its being printed as amended.

Mr. REED, of Maryland, said that he did not know that he should vote for the bill in any shape; but he was certain he could not vote for it now, not having the bill before him, and not being able to understand it as read from the Chair. He wished to have it printed, that the House might act on it understandingly.

On the suggestion of Mr. LITTLE, the Committee rose, and the bill was recommitted to the Committee on the Militia, there to be amended, that it might be presented to the House at once in the shape in which the Committee wished to have it.

On the other bill, (for clothing the militia,) the Committee obtained leave to sit again.

AMERICAN CAPTIVES.

The next bill in order was the bill reported at the last session, supplementary to the act for the relief of American captives during the late war; and, on motion of Mr. SIBLEY, the House resolved itself into a Committee of the Whole on the subject. The bill was read through.

Mr. SIBLEY briefly stated the object of the bill. After the surrender of Detroit during the late war, and subsequent to the defeat afterwards sustained, in 1813, many persons taken under our standard were brought captive by the Indians to and through Detroit. The citizens of Detroit, moved at the spectacle, though themselves at the time in a state of vassalage, exerted themselves to relieve the sufferers, and employed in that manner all the money they could raise. These facts were made known to Congress, and an act was passed to reimburse to them the money thus advanced. But the act was of that narrow construction, that it was not at all calculated to give the relief contemplated by it. It required, in the first place, that the persons relieved from captivity should be American citizens; which, in the first place, was hardly susceptible of proof, and, if it were, was not material, where the individuals were taken

under the American flag. Another requisition of that law was, that written evidence of the amount paid, or a receipt for the ransom money, should be produced, to entitle to relief. Now, Mr. S. said, the money was paid to Indians; and every one must know that they give no receipts for ransoms, and that such a receipt, if given, would be good for nothing, inasmuch as an Indian would as readily give a receipt for ten thousand dollars as for ten. In the agitation, alarm, and hurry of the times, the people did not calculate where or how they were to get their money again, and thought of nothing less than the taking receipts for it, &c. Besides, Mr. S. said, clothing was furnished to the captives, the season being inclement, and they literally naked. For this, also, the citizens of Detroit ought to be remunerated. The claims embraced in this bill, he said, were altogether bottomed on humanity, and he trusted that the patriotic exertions made by the people of Detroit, whilst they themselves were oppressed by the presence of an enemy, would not be disregarded, but that they would at length be repaid the money which they had advanced almost ten years ago.

No other remarks being made on the bill, the Committee rose and reported it to the House, and it was ordered to be engrossed and read a third time to-morrow.

The next subject in order was a resolution proposed at the last session for carrying into effect a certain agreement between the United States and Georgia. Before taking that up, however, a motion was made to adjourn, and prevailed.

TUESDAY, December 10.

Mr. ROSS, from the Committee of Revisal and Unfinished Business made a report, in part, of such business as remained unfinished at the close of the late session of Congress, which report was ordered to lie on the table.

On motion of Mr. WALWORTH, the Committee on Military Affairs was instructed to inquire into the expediency of authorizing the President of the United States to cause to be delivered to Captain Aikin's volunteers certain rifles promised them by Major General Macomb, for their gallantry and patriotic services during the siege of Plattsburg, in September 1814.

On motion of Mr. WILLIAMSON, the Committee on Military Affairs was instructed to inquire into the expediency of erecting a battery or other fortification on the west side of Penobscot river, in the town of Prospect, and State of Maine, near the head of Orphan Island, and opposite the Narrows, so called, in said river.

On motion of Mr. HEMPHILL, the bill, reported at the last session, entitled "A bill to procure the necessary surveys, plans, and estimates, on the subject of roads and canals," was now referred to a Committee of the whole House on the state of the Union.

Mr. WOODCOCK laid on the table the following resolution:

Resolved, That the President of the United States be requested to cause to be laid before this House a statement showing the amount of all moneys advanced by Government, on contracts or otherwise, either to agents, sub-agents, contractors, sub-contractors, or to individuals, since the 1st of January, 1816, which have not been accounted for on settlement; and the amount of loss, (if any,) sustained in each; and whether, in all cases, on the advancement of money, security has been taken, and the names of the sureties.

All resolutions, like this, calling for information, lie upon the table one day of course, by the rules of the House.

On motion of Mr. KENT, the Committee of the Whole was discharged from the further consideration of the bill, reported at the last session, for the establishment of a Penitentiary in the District of Columbia, and it was recommitted to the Committee on the Judiciary.

On motion of Mr. F. JOHNSON, of Kentucky, the Committee on Naval Affairs were instructed to inquire into the expediency of allowing to the widowed mother of Lieutenant W. H. Allen, of the United States Navy, a half-pay pension for five years.

The SPEAKER laid before the House a Message from the President of the United States, transmitting a report of the Commissioner of Public Buildings, upon the progress which has been made in the public buildings within the last year; which was ordered to lie on the table, no committee having been appointed on the subject of the public buildings.

The SPEAKER laid before the House a report from the Secretary of War, of the number of active and well qualified clerks and accountants which will be necessary to perform the duties of his office, by giving a reasonably constant, and diligent attention to business; made in obedience to a resolution of the 7th of May last; which report was read, and ordered to lie on the table.

An engrossed bill, entitled "An act supplementary to the act relating to the ransom of American captives of the late war," was read the third time, and passed.

A message from the Senate informed the House that the Senate have chosen the Rev. CHARLES P. MCILVAINE Chaplain to Congress on their part; they have passed two resolutions, one for the appointment of a joint committee on enrolled bills, the other, for the appointment of a joint committee to have the application of the money appropriated for the Library of Congress; in which resolutions they ask the concurrence of this House.

ROADS AND CANALS.

On motion of Mr. COOK, of Illinois, it was

Resolved, That so much of the several acts of Congress passed for the admission of Indiana, Illinois, and Missouri, into the Union, as sets apart a portion of the money arising from the sale of the public lands in those States, for the purpose of constructing roads and canals leading to those States, respectively, be referred to a select committee

On the usual question, what number the committee should be composed of, Mr. COOK proposed *three*—some other member named *seven*—and the question being between the two—

Mr. COOK observed, that he had but a single word to say in favor of the number three. He had no preference for it, but that the subject of the resolution immediately concerned three States, Indiana, Illinois, and Missouri, and that the Representatives of these States, having consulted together, it had been agreed between them to bring the subject forward.

Mr. FLOYD, of Virginia, said, that the two per cent. of the net proceeds of the sales of public lands was to be expended not on roads within the States in question, but on roads leading to them, so that it concerned the adjacent States as much as it did those States. Besides, Mr. F. intimated that the subject ought not to be left wholly to the Western States, the disposition to speculate upon the Government in regard to the public lands there being so prevalent. He particularly referred to the speculations under the bill for the relief of purchasers of the public lands, made in States in which the circulating medium was greatly depreciated, &c. The country generally being interested in the roads to be made out of this fund, Mr. F. was in favor of the largest number proposed for the committee.

The number of seven was agreed to, and Messrs. COOK, SCOTT, JENNINGS, FLOYD, VANCE, STEWART, and NELSON of Maryland, were appointed a committee pursuant to the said resolution.

Mr. CANNON submitted the following resolutions, viz:

1. *Resolved*, That it is expedient to provide for the national defence by improving the militia of the United States.

2. *Resolved*, That the Committee on Military Affairs be instructed to inquire whether it is most expedient to improve the militia throughout the United States by means of the Military Academy, that of the encampment of the officers by brigades or otherwise, under proper regulations.

3. *Resolved*, That the Committee on Military Affairs be instructed to inquire into the expediency of discontinuing the preference given to the cadets educated at the public expense, in the Military Academy at West Point, in entering the public service over others of equal qualifications and merit, who are or may be educated at their own expense, or that of their parents or friends, at the school under the superintendence of Captain Partridge, in the State of Vermont, or at any other place in the United States.

4. *Resolved*, That the Committee on Military Affairs be instructed to inquire into the expediency of employing the regular army, or a part thereof, in the erection of fortifications during a state of peace, instead of having them built by contract, in the way heretofore pursued.

5. *Resolved*, That the Secretary of the Navy be directed to make a statement to this House, containing the names and grade of the officers belonging to the Naval Establishment of the United States, and the duties each officer is performing; also, the number of officers, of each different grade, necessary to command, in active service, the vessels of war, at this time belonging to the Navy.

Mr. C. said he did not mean to press these resolutions to an immediate decision. Being of much importance in his view, he wished them to lie on the table and be printed, with the expression of a determination on his part to call them up on an early day.

The resolutions were ordered to lie upon the table accordingly.

NAVAL PEACE ESTABLISHMENT.

A Message was received from the PRESIDENT OF THE UNITED STATES, which was read, and is as follows:

To the House of Representatives of the United States:

In compliance with the resolution of the House of Representatives, of the 7th of May last, requiring that a plan for the Peace Establishment of the Navy of the United States, and also of the Marine Corps, should be communicated to that House at the present session, I transmit a report of the Secretary of the Navy, containing a plan, which has been prepared for the proposed establishment.

JAMES MONROE.

WASHINGTON, *December* 6, 1822.

NAVY DEPARTMENT, *Dec.* 2, 1822.

SIR: The Secretary of the Navy, to whom has been referred the resolution of the House of Representatives of the 7th of May last, requesting the President of the United States to cause to be laid before that House a plan for a Peace Establishment of the Navy of the United States, has the honor of submitting the accompanying papers on that subject.

The paper, marked A, is the draught of a bill embracing all the provisions which have been deemed necessary; presuming that a plan presented in this form would best meet the object contemplated by the resolution. It is deemed necessary, in this report, to notice only briefly such parts of the bill as contain new modifications of our Naval Establishment.

The bill, it will be perceived, contemplates the establishment of two new grades of office, viz: commodore and rear admiral. These grades are considered, if not absolutely necessary, at least of very great importance as regards due subordination and the discipline of the service; and, in recommending the adoption of the provision, I can only repeat what I have had occasion heretofore to urge in support of this measure. The rank of captain is now the highest grade in the navy recognised by law; and during the infancy of our navy, and whilst we had no vessels of a higher class than frigates, and the number of captains small, it was, perhaps, as high a grade as the good of the service required. It is, however, believed that, from the additions both to the number and class of our public vessels, and from what may reasonably be anticipated to be the situation of our navy in the course of a few years, both justice and policy require the establishment of some higher grades. According to the relative rank, as now regulated between the military and naval officers, a captain in the navy only ranks with a colonel in the army. This is thought to be contrary to sound policy and the good of the service. The establishment of the grades contemplated by the bill will place the relative rank in the army and navy upon a just footing. A commodore will rank with a brigadier general, and a rear admiral with a major general. But the more important and substantial benefit, it is believed, growing out of this measure, will be the effect it will have upon the discipline of the service. The importance of rank, both in the military and naval service, will readily occur to

all in any degree acquainted with either. In a fleet or squadron, when the different vessels may be commanded by officers of the same grade, and their relative rank, and even that of the commander himself, known only by the dates of their commissions, there will not be that respect and subordination observed that are essential to order and harmony. The additional pay, it is thought, cannot afford any well-founded objection to the measure, if the real benefits confidently believed to result from it are duly appreciated.

Authorizing the appointment of midshipmen, who have been examined and found qualified for promotion, to the duty of sailing-master, would be highly beneficial to the service. By the rules and regulations, sailing-masters are not considered in the line of promotion, and have not, of course, so strong inducements to remain permanently attached to the service as officers who have this prospect before them; and whenever more profitable employment in the merchant service is presented they will generally accept of it.

The number of lieutenants is already so great that the prospect of promotion of midshipmen is not very promising. To employ examined midshipmen as sailing-masters would be given them some little distinction, and affording them an opportunity of improving themselves for the higher and more important duties of the service.

In most of the classes of commissioned officers, the number fixed by the bill embraces all at present in office, and where that is not the case, it is provided that none shall be discharged but the number reduced to that contemplated in the bill, by omitting to fill the vacancies as they may occur. This, it is thought, is no more than justice requires; and, as the number thus retained is but small, the expense will be inconsiderable, and will soon entirely cease.

The increased pay provided for some few of the officers attached to ships-of-the-line and frigates, while in actual service, is recommended by considerations of justice and the good of the service. To perform the duties required of these officers on board the largest ships involves far more responsibility, and requires not only greater professional knowledge and experience, but much more labor; these, or similar distinctions, are recognised in every well regulated service; and as but a small number of our largest vessels are kept in service in time of peace, the additional expense will be of no great amount.

It has been considered a more simple mode of payment, and less liable to abuse, to allow fixed salaries to the officers stationed at the several navy yards and naval stations than as now provided by law by monthly pay and rations.

That part of the bill which makes the marine guard, detailed for the protection of navy yards, subject to the orders of the commandant of the yard, is deemed essential for the preservation of order and harmony. The difficulties which have occurred under the present regulations on that subject, suggest the necessity of some alteration; and no well-founded objection is perceived to placing this guard under the immediate orders of the commandant of the yard, in the same manner as the marine guard is placed on ship-board under the orders of the captain.

The exhibits accompanying this bill will serve to show the applicability of its provisions to our present Naval Establishment, and the comparative expense between it and the one contemplated by the bill.

Paper B is an exhibit showing the number of commissioned and warrant officers required to officer certain ships, and vessels, and navy yards.

Paper C is an exhibit showing the petty officers, able seamen, ordinary seamen, and boys, required for the vessels of war in active service.

Paper D is an exhibit showing the whole number of commission and warrant officers required for the Navy of the United States, when the ships-of-the-line, frigates, and steam batteries, directed by the "act for the gradual increase of the Navy" shall be completed.

Paper E is an estimate of the annual expense of the officers of the Navy, proposed by the bill, including the organization of the navy yards, and a comparative view between the present expense and that proposed.

By which last exhibit it will be seen that the annual expense of the officers of the Navy will be reduced about ninety thousand dollars below the estimates necessary under the existing establishment.

A peace establishment for the marine corps having been fixed by the act of the 3d of March, 1817, and no material alteration being deemed necessary, no other plan has been prepared to accompany this report.

Although, perhaps, not falling strictly within the scope of the resolution, yet the present affords a fit opportunity of respectfully suggesting the importance of establishing a naval academy for the instruction of our young officers in the sciences connected with their profession. As this is intended as a mere suggestion of a measure deserving consideration, I have not thought proper to present any plan for carrying it into effect. This may be done hereafter, should the measure meet with a favorable reception; nor is it deemed fit for me, at this time, to urge the many considerations which will readily occur to all liberal and enlightened minds in favor of such an institution.

All which is respectfully submitted.

SMITH THOMPSON.

The PRESIDENT *of the U. S.*

A bill to fix and render permanent the Naval Peace Establishment of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the Naval Peace Establishment of the United States shall, from and after the —— day of ——, consist of one rear admiral, five commodores, twenty-five captains, thirty masters commandant, one hundred and ninety lieutenants, twenty sailing-masters, four hundred midshipmen, thirty-five surgeons, forty-five surgeons' mates, forty pursers, six chaplains, twenty boatswains, twenty gunners, fifteen carpenters, fifteen sailmakers, and of all other officers, petty officers, seamen, ordinary seamen, and boys, a number not exceeding three thousand five hundred; but the President of the United States may, if in his opinion the good of the service shall require it, make additional appointments of midshipmen: *Provided, however*, That the whole number of midshipmen shall not at any time exceed four hundred and fifty. The President shall also have the power, if in his opinion the exigencies or the good of the service should require it, to give acting appointments of lieutenant and master to such midshipmen as have passed the examination required by the regulations of the service to qualify them to be lieutenants in the Navy: *Provided*, The whole number of acting lieutenants and masters, in-

cluding those holding commissions and warrants, shall not exceed two hundred and thirty lieutenants and forty sailing-masters. And the President shall also have the power to appoint such additional chaplains, boatswains, gunners, carpenters, and sailmakers, as the good of the service may in his opinion require, not exceeding, however, ten chaplains, ten boatswains, ten gunners, five carpenters, and five sailmakers; but none of the officers retained in service under this act shall be entitled to receive more than their monthly pay, without rations, during the time when they shall not be under orders for service: *Provided, nevertheless,* That none of the commissioned officers now in service shall, by virtue of this act, be discharged; but vacancies, as they occur, shall not be filled until the officers in the several grades shall be reduced to the number hereinbefore designated.

SEC. 2. *And be it further enacted,* That the pay and subsistence of a rear admiral shall be one hundred and twenty dollars per month, and twenty-four rations per day; and of a commodore, one hundred dollars per month, and sixteen rations der day.

SEC. 3. *And be it further enacted,* That the Secretary of the Navy, with the approbation of the President of the United States, may grant furloughs to such of the officers as may choose to enter the merchant service of the United States, or such foreign service as the President may approve, for a term not exceeding two years; subject, however to be recalled at any time he may deem necessary and proper; but all officers so furloughed shall receive only one-half their monthly pay, without rations, during the time they shall be in such manner absent from the public service.

SEC. 4. *And be it further enacted,* That, for the preservation of the ships and vessels placed in ordinary, the President of the United States shall have the power, provided he may deem the same necessary, to attach permanently to each ship or vessel the following officers, seamen, ordinary seamen, and boys; that is to say, to a ship of the line, one captain, two lieutenants, one sailing-master, four midshipmen, one boatswain, one gunner, one carpenter, two carpenter's mates, who shall be caulkers, eight seamen, eight ordinary seamen, and six boys; to each forty-four gun frigate, one captain, one lieutenant, one sailing-master, three midshipmen, one boatswain, one gunner, one carpenter, one carpenter's mate, who shall be a caulker, six seamen, six ordinary seamen, and four boys; to each of the frigates rated less than forty-four guns, one captain, one lieutenant, one sailing-master, two midshipmen, one boatswain, one gunner, one carpenter, one carpenter's mate, who shall be a caulker, five seamen, five ordinary seamen, and three boys; to each of the sloops of war, one master commandant, two midshipmen, one boatswain's mate, one gunner's mate, one carpenter's mate, who shall be a caulker, three seamen, three ordinary seamen, and two boys; to each of the brigs and schooners, if not less than ten guns, one lieutenant, one midshipman, one boatswain's mate, one gunner's mate, one carpenter's mate, who shall be a caulker, two ordinary seamen, and two boys; to each of the several stations at which ships and vessels are placed in ordinary shall be attached one surgeon and one surgeon's mate, to attend all the sick of such ships and vessels; one purser, to execute the duties of purser to all such ships and vessels; one chaplain and one schoolmaster, who shall perform, in their respective stations, the duties of chaplain, mathematician, and schoolmaster, on the station, under the superintendence of the senior officer of such ships and vessels in ordinary, whose duty it will be, under such instructions as may be given by the Secretary of the Navy upon the subject, to establish a school on board of the ship to which he is attached, for the purpose of instructing the midshipmen on the station, and those belonging to the ships in ordinary, in the several branches of mathematics, geometry, trigonometry, and navigation, agreeably to the rules and regulations of the Navy.

SEC. 5. *And be it further enacted,* That each of the following naval stations, to wit: Portsmouth (New Hampshire,) Charlestown, (Massachusetts,) New York, Philadelphia, Washington, Gosport (Virginia,) and one other station south of the Chesapeake, (such as the President of the United States shall select,) shall be under the command of an officer not below the rank of captain of the Navy, who shall have, agreeably to such regulations as are now or may hereafter be established by authority of law for the service, a general superintendence over the ships and vessels in ordinary at those stations respectively, as well as over the officers (such officers only excepted as may be senior in rank) and crews attached to them. And it shall be the duty of such officers and crews, under his general superintendence and direction, to keep clean, ventilate, and prevent, by constant examination, and, when necessary, caulking such rents and seams in the respective vessels to which they are attached as may be found open, the deleterious effects arising from water getting between the timbers, and for the preservation, repairing, overhauling of the rigging, stores, &c., of the ships and vessels in ordinary deposited in the navy yards and storehouses, as well as for the rigging and equipping of any of the public ships or vessels fitting for sea, and like purposes; and the commanding officers of the respective ships in ordinary shall, upon the requisition of the commandant of the yard, furnish, from time to time, agreeably to the general regulations of the service, such number of officers and men as in his opinion the work to be done may require.

SEC. 6. *And be it further enacted,* That all officers attached to vessels in ordinary shall be allowed their full pay and rations, and such quantity of fuel and candles, provided they live on board of the respective vessels to which they are attached, as they would be allowed were they at sea.

SEC. 7. *And be it further enacted,* That to the officers stationed at the several navy yards, that is to say, Portsmouth, (New Hampshire,) Charleston, (Massachusetts,) New York, Philadelphia, Washington, Gosport, (Virginia,) and one other yard south of the Chesapeake, the following annual compensation, in lieu of all pay, rations, and emoluments, shall be allowed: To the commanding officer, not under the rank of captain, three thousand dollars; to the master commandant, one thousand seven hundred dollars; to the lieutenant, one thousand dollars; to the sailing-master, eight hundred and fifty dollars; to the surgeon, if attending an hospital, one thousand five hundred dollars; to the surgeon, if not attending an hospital, nine hundred dollars; to the surgeon's mate, seven hundred and fifty dollars; to the purser, eight hundred dollars; to a laboratory officer at Washington, seven hundred and fifty dollars; to each midshipman, three hundred and fifty dollars, to each boatswain, gunner, and sailmaker, five hundred dollars; which compensations shall be paid quarterly.

Sec. 8. *And be it further enacted*, That to any other naval station in the United States (other than those enumerated in the preceding section) the President of the United States may deem necessary, there shall be attached one master commandant, who shall have the like superintendence over such station as is provided in the fifth section of this act for the commandants of the several navy yards therein enumerated; and the following annual compensations, in lieu of all pay, rations, and emoluments, shall be allowed to the officers attached to the Lake stations, that is to say, if attached to the station on Lake Ontario, the master commandant shall be entitled to one thousand three hundred dollars; the lieutenant to eight hundred dollars; the surgeon to eight hundred and fifty dollars; the purser, who shall perform also the duties of storekeeper, to eight hundred dollars: if attached to the station on Lake Erie, the master commandant shall be entitled to one thousand two hundred and fifty dollars; the surgeon to eight hundred dollars; the purser, who shall perform also the duties of storekeeper, to seven hundred and fifty dollars: if attached to the station on Lake Champlain, the master commandant shall be entitled to one thousand two hundred dollars; the surgeon to eight hundred dollars; the purser, who shall perform also the duties of storekeeper, to seven hundred and fifty dollars, which compensations shall be paid quarterly.

Sec. 9. *And be it further enacted*, That an officer appointed to superintend the recruiting service in any port within the United States shall not be entitled to any allowance for house rent, fuel, or candles.

Sec. 10. *And be it further enacted*, That officers of the following grades, attached to ships of the line and frigates, when in actual service, shall receive, in addition to their present emoluments, the monthly pay hereafter mentioned, viz: The first lieutenant of a ship-of-the-line, ten dollars; the sailing-master, ten dollars; the surgeon, fifteen dollars; the boatswain, five dollars; the gunner, five dollars; the carpenter, five dollars; the sailmaker, three dollars; the first lieutenant of a frigate of forty-four guns, six dollars; the sailing-master, six dollars; the surgeon, ten dollars; the boatswain, three dollars; the gunner, three dollars; the carpenter, three dollars; the sailmaker, two dollars; the first lieutenant of a frigate of thirty-six guns, four dollars; the sailing-master, four dollars; the surgeon, six dollars; the boatswain, two dollars; the gunner, two dollars; the carpenter, two dollars; the sailmaker, two dollars.

Sec. 11. *And be it further enacted*, That when a surgeon's mate shall act in the line of his duty on board a brig, schooner, or other small vessel of war, having no other medical officer attached to said vessel, he shall be allowed at the rate of fifteen dollars per month, in addition to his present pay and rations, as authorized by law.

Sec. 12. *And be it further enacted*, That the President of the United States be, and he is hereby, authorized to discharge all warrant officers at present in the Navy of the United States, over and above the respective numbers retained by this act; and all such officers who shall be discharged under this act shall be entitled to receive six months' pay over and above what may be due to them, respectively, at the time of their discharge.

Sec. 13. *And be it further enacted*, That the guard of marines detached for the protection of a navy yard shall, while doing duty in the yard, be subject to the orders of the commandant of the yard, and receive from him instructions as to the duties they are to perform therein; and all persons enlisted into the service of the United States, and doing duty under the orders of the commandant of the yard, shall for every offence be subject to the "Act for the better government of the Navy of the United States," and be tried and punished in the same manner as if the offence had been committed at sea; any law or usage to the contrary notwithstanding.

A motion was made by Mr. Russ, to lay the Message on the table, and print it.

Mr. Cocke hoped it would not be laid on the table, but that it would be referred to the Naval Committee, there to undergo the proper investigation, and to be reported upon.

Mr. Russ withdrawing his motion, the Message was referred to the Committee on Naval Affairs.

SUPPRESSION OF PIRACY.

Mr. Condict, of New Jersey, rose to make a motion. In the Message of the President to both Houses of Congress, at the opening of the session, he said, a very brief allusion was made to piracies, committed in the West Indies. All that was said on that subject, is comprised in a short paragraph, which Mr. C. read. Intelligence has been recently received, and probably since that part of the Message was penned, of transactions, so flagrant and outrageous in their character, as to call, imperiously, for the early and efficient interposition of this House. The premature death of the gallant and lamented Allen has excited a spirit of indignation throughout our country, unequalled since the late war. It calls loudly for retributive justice, from those lawless barbarians; and I hope to see, with as little delay as practicable, a competent force, at the disposal of the Executive, under some one of the most experienced naval officers, with ample powers and instructions to ferret them out of their lurking holes, and to drag them to a certain and speedy punishment. A speedy punishment, because I have no idea of incurring the delay, or the hazard, of transporting them here, or of extending to them a trial by jury, with all the delays incident to our courts of justice. They have placed themselves beyond the protection of the laws of civilized society; they have set at open defiance the laws of God and man; their hand is against every man, and every man's hand should combine against them. And the most effectual restraint which you can impose upon their barbarities, is to furnish to them the spectacle of a few dozen of their leaders suspended by the halter, from the yard-arms of some of our public ships. Deeming it expedient that Congress should, at an early period, adopt some decisive measures on this subject, I submit the following resolution:

Resolved, That the Committee on Naval Affairs be instructed to inquire, and report as early as may be, what further measures are necessary, not only for the more efficient protection of our commerce in the West India seas from piracy, but for the entire extirpation of those freebooters, and the punishment of those who may be found to aid and abet them.

This resolution having been read—

Mr. JOHNSON, of Louisiana, inquired, if there was not upon the table a Message from the President of the United States, upon this subject.

The SPEAKER said there was such a Message on the table, received yesterday, which he had not had an opportunity yet to present to the House.

On motion of Mr. JOHNSON, the resolution moved by Mr. CONDICT was ordered to lie on the table; and the Message of the PRESIDENT was read, as follows:

To the House of Representatives of the United States:

Recent information of the multiplied outrages and depredations which have been committed on our seamen and commerce by the pirates in the West Indies and Gulf of Mexico, exemplified by the death of a very meritorious officer, seems to call for some prompt and decisive measures on the part of the Government. All the public vessels adapted to that service, which can be spared from other indispensable duties, are already employed in it; but, from the knowledge which has been acquired of the places from whence those outlaws issue, and to which they escape from danger, it appears that it will require a particular kind of force, capable of pursuing them into the shallow waters to which they retire, effectually to suppress them. I submit to the consideration of Congress, the propriety of organizing such a force for that important object.

JAMES MONROE.

WASHINGTON, *December* 6, 1822.

The said Message was referred to the Committee on Naval Affairs.

CLOTHING THE MILITIA.

The House then, on motion of Mr. CANNON, resolved itself into a Committee of the Whole on the bill for clothing the militia when in actual service.

The bill was read through.

Mr. CANNON, though aware of the difficulty of calling the attention of the House to subjects of this description, addressed a few observations to the Chair on the subject of this bill. A proposition of the same nature, he said, was before Congress eight years ago. It was introduced into the House of Representatives during the late war with Great Britain; and such was then the conviction of the propriety of the measure, that a bill embracing the same objects passed the House of Representatives by an unanimous vote, and was sent to the Senate. It was then near the close of the war, and, before the bill was taken up in the Senate, the news of peace arrived, in consequence of which the bill was not acted on. In that period of the war, the necessity of the measure was seen and felt; and Mr. C. expressed his hope, notwithstanding we were now enjoying the calm and tranquillity of peace, that we should look forward to the militia as our great national defence in time of need, and adopt such measures as will make them competent, at all times, and under every exigency, to the defence of our country. As such he considered them, and he should make it always his business, by every means practicable, to give to the militia that improvement which will qualify it to be what it was intended, by the Constitution of the United States, that it should be. He was aware, he said, in regard to this bill, that many members had not copies of it before them; but it had undergone the deliberation of a committee during the last session, and, if the object was approved by the House, was in as good a form as could be devised. It could not be expected, he said, that the militia, when called into service, would provide themselves with clothing necessary to render them efficient soldiers, unless means were provided to reimburse them the expense. The bill went, in short, to place them, in regard to pay and emoluments, on precisely the same footing as the soldiers of the regular army. Those who had experience in such service in the late war, would acknowledge that this measure was necessary during a state of war, and, if so, he believed the House would agree with him that now, in a state of peace, was the proper time to make the provision for it.

Mr. FARRELLY rose, not to oppose the bill, but to suggest the propriety of prescribing, in it, the description of the clothing with which the militia ought to provide themselves. At present it was left optional to each militiaman to provide clothes of what material, color, shape, or fashion, he chose. Mr. F. suggested that, as the clothing was to be provided for strictly military purposes, there ought to be some provision that the dress should be uniform.

Mr. CANNON said that the suggestion of the gentleman from Pennsylvania had not escaped the attention of the Militia Committee. But there were difficulties in the way of a provision of the nature proposed: the different States prescribe different uniforms for the militia, and to establish a uniform dress for the militia would be attended, in practice, with difficulties which appeared to him to be insuperable.

No amendment being proposed to the bill, the Committee of the Whole rose, and reported it to the House. On the question to engross it for a third reading,

Mr. HARDIN suggested that this bill ought to have a more full examination before it was finally acted upon; and he, therefore, moved that the bill lie upon the table, and be printed for the use of the members.

Which motion was agreed to.

The next subject in order was the resolution for carrying into effect the agreement between the United States and Georgia; and the House having gone into committee upon it, on request of Mr. GILMER, (Mr. BASSETT in the chair)—

On motion of Mr. GILMER, the Committee rose, and obtained leave to sit again, and the explanatory report upon the subject, made at the last session, was ordered to be printed.

PRE-EMPTIONS FOR SEATS OF JUSTICE.

The next subject in order was the following bill, lying over from last session:

Be it enacted by the Senate and House of Representives of the United States of America, in Congress assembled, That there be granted to the State of Alabama, and to the Territory of Arkansas, at the minimum price for which public lands of the United

States are sold, the right of pre-emption to one quarter section of land, in or near the centre of each county of the State and Territory aforesaid, for the establishment of seats of justice, in each of such counties: *Provided*, The purchase be made before the commencement of the public sales in said State and Territory of the lands surrounding the quarter sections located under this right of pre-emption: *And provided, also*, That the proceeds of the sale of each quarter section thus located in said State and Territory, shall be appropriated for the purposes of erecting public buildings in the county for which it is located, after deducting from the net proceeds of the sale made by said State or Territory the amount originally paid for the same: *Provided further*, That the seat of justice for said counties, respectively, shall be fixed on the lands so located and selected.

The House having, on motion of Mr. Sterling, of New York, resolved itself into a Committee of the Whole upon the subject—

Mr. Sterling stated that this bill contained provisions, in regard to the States therein named, precisely similar to those granting like rights to the State of Ohio; it had been asked for by those States, and he believed was so guarded in its provisions as not to be susceptible of abuse, if passed. It was not to have effect unless the States in question gave their assent to it; and, if they did so, the Government of the United States would be gainer instead of loser by it, because the property of the United States would gain value by the operation of the provisions of the bill. Mr. S. added, that the members of the Committee of Public Lands, at the last session, were unanimously in favor of the bill.

Mr. Rankin, of Mississippi, confirmed the statements of Mr. Sterling. Although generally opposed to the policy of granting pre-emptions, believing the reasons for it had ceased, this was a case in which he thought it right, inasmuch as it was agreeable to precedent in the case of Ohio, and would be decidedly advantageous to the interests of the United States.

Mr. R. then moved, though he did not know that, in any instance, the State of Mississippi would avail itself of the provision, that the State of Mississippi should be added to the three other States mentioned in the bill; which amendment was agreed to.

Mr. Cocke, of Tennessee, said that the United States had some lands in Tennessee, as well as in other States, in which new counties were to be laid off. The House had been told that the State of Mississippi would probably not avail herself of the benefit of this bill. He would move to add to the bill the State of Tennessee; and, when he did so, he declared his belief that that State would avail itself of the benefit of the provision. He saw no reason, he said, why lands should be sold at the minimum price to one State, and the same privilege be withheld from others. The portion of the State of Tennessee in which the United States held the land was small, it was true, but he did not see why it should be debarred the same rights as were allowed to the other States.

This motion gave rise to some debate.

It was opposed by Mr. Rankin, on the ground that the circumstances of Tennessee did not resemble these of Mississippi, which latter State contained in one body something like four millions of acres of unseated (Choctaw) land, &c. He again adverted to the example of the privilege granted to the State of Ohio, and declared that the bill could do no injury, but rather a service, to the interests of the United States.

Mr. McCoy was opposed to the bill altogether, principally because it would lead to many other bills. In the case of Ohio, the privilege to her had been clogged with so many provisions, she had not availed herself of it. He could not see why greater privileges should be granted to counties in the States whose seats of justice were not yet located than to others. His idea appeared to be, that all parts of the country should stand, in this respect, on the same footing. Why was it not proposed to embrace in the bill Indiana, Illinois, and Missouri, as well as Alabama and Arkansas?

Mr. Campbell, of Ohio, gave a history of the application from the State of Ohio, and of the reasons why she did not avail herself of the provisions of the act of Congress in this respect. It was clogged with such conditions as made it disadvantageous to her; and she did not choose to go to the expense of sending commissioners into fourteen new counties to lay off seats of justice, when no advantage whatever would arise to her from doing so.

Mr. Rankin replied to Mr. McCoy. He did not know that Indiana or Illinois had applied for this right. If they did apply, he should consider them equally entitled to it with other States. Mr. R. said he felt no anxiety himself on the subject of this bill, but he was persuaded its adoption would be beneficial to the United States.

The question was then taken on the insertion of Tennessee in the bill, and decided in the affirmative.

Mr. Walworth said, if this measure was calculated, as had been represented, to increase the value of the public lands, it ought to be general in its operation. He, therefore, moved to amend it so as to make its provisions apply "to the several States and Territories in which there are public lands belonging to the United States."

Mr. Sterling, of New York, said he hoped this amendment would not prevail. No other States but those named in the bill had made application to Congress on the subject, and it would be time enough to embrace them in the bill when they did apply. The State of Alabama and the Territory of Arkansas were peculiarly situated, the lands not having been exposed to sale in the new counties, &c. He was willing, when other States applied, under similar circumstances, but not before, to extend to them the same privileges.

Mr. Cook, of Illinois, was in favor of the amendment. He was in daily expectation of a proposition on this subject from the State which he represented; and, inasmuch as the principle of the bill had been fairly shown to be beneficial to the United States, he hoped it would be made

general in its operation. Mr. C. added some remarks to show the beneficial effects which might be expected from the bill.

Mr. MOORE, of Alabama, called for the reading of some petitions on the subject from Alabama, one of which (from the Committee of Public Buildings, in the county of Perry) was read.

The question on Mr. WALWORTH'S motion, to give the bill a general effect, was decided in the affirmative. And the Committee of the Whole rose, and reported the bill as amended.

The amendment was concurred in; and the question being on ordering the bill to be engrossed for a third reading—

Mr. WILLIAMS, of North Carolina, said, he hoped the House would not pass the bill, considering it as embracing a policy injurious to the interests of the Government. It proposed to sell quarter sections at the minimum price for the benefit of counties. But this privilege gentlemen supposed might not be accepted. If so, Mr. W. said, the House was legislating to no purpose; giving grants which would not be accepted; offering to confer favors, which, from neglect or design, might be rejected by the party intended to be favored. With regard to the increased value which it was said this measure was to give to lands of the United States, Mr. W. said he had no confidence in this scheme of giving away with one hand, to receive increased value in the other. This land, which it was proposed to give at the minimum price, might be worth twenty or thirty dollars an acre. If we make grants, said he, let it be to the poor individuals who emigrate to that country, and who are without the ability to buy land to live upon. If we extort from the humblest emigrant the real value of the land, let us do the same, at least, from the counties to which it is now proposed to give it.

Mr. RANKIN said this privilege was asked for by the States first embraced in the bill because Congress had given it before to others. If the argument of the gentleman from North Carolina was acted upon, the world would soon come to an end: the planter would not trust his grain to the ground, because it was giving away without knowing whether any thing would spring from it to recompense him. But the argument was not a just one. It was certain the location of a seat of justice was an advantage as sure to the adjacent land as was the advantage to the farmer of sowing his seed. If a certain advantage would result to the United States from the measure, and no disadvantage could flow from it, why not pass the bill?

The question was then taken on ordering the bill to be engrossed for a third reading, and the votes were as follows: For the third reading 61, against it 64.

So the bill was rejected by a majority of three votes.

WEDNESDAY, December 11.

Several other members, to wit: from New York, ELIJAH SPENCER; from Virginia, WILLIAM LEE BALL; and from Georgia, ALFRED CUTHBERT, and ROBERT RAYMOND REID, appeared and took their seats.

A new member, to wit: from South Carolina, JOHN CARTER, elected to supply the vacancy occasioned by the resignation of JAMES BLAIR, appeared, was qualified, and took his seat.

Mr. FRANCIS JOHNSON, from the Committee on the Post Office and Post Roads, reported a bill for the relief of William Sayles; which was read twice, and committed to a Committee of the Whole.

The resolution yesterday laid upon the table by Mr. WOODCOCK, calling for information from the President of the United States, respecting advances of money to public agents, was considered, modified, and adopted by the House.

[In support of this motion, Mr. W, made some observations, which the reporter had not the opportunity of hearing. The purport of them was, that, in the statements received from the several departments, of the accounts of public officers, no account was given of moneys advanced to sub-agents and sub-contractors, &c., without security, &c.; so that this class of defaulters often escape it without observation. His object was, if practicable, to supply this deficiency.]

On motion of Mr. JOHNSTON, of Louisiana, the House took up the bill providing for the examination of the titles to land in that part of Louisiana situated between the Rio Hondo and the Sabine river; which was committed to a Committee of the whole House, as also was, on his motion, the bill for the relief of Thaddeus Mayhew.

On motion of Mr. BARBER, of Connecticut, the Committee of Ways and Means were instructed to inquire into the expediency of granting an appropriation for completing and repairing Fort Griswold, in the State of Connecticut.

On motion of Mr. CUSHMAN, the subject of the Public Buildings and the Public Lands in the city of Washington, was referred to a select committee, and Mr. BLACKLEDGE, Mr. CUSHMAN, Mr. VAN WYCK, Mr. CASSEDY, Mr. BROWN, Mr. HOBART, and Mr. LEFTWICH, were appointed the said committee.

Mr. COLDEN submitted the following resolution, viz:

Resolved, That the President of the United States be requested to lay before this House such information as he may possess with regard to any hostile expedition which may have been prepared in the United States, and sailed from thence, within the present year, against the territory or dependency of any Power in amity with the United States; and to inform this House whether any measures have been taken to bring to condign punishment the persons who may have been concerned in such expedition, contrary to the laws of the United States.

The resolution was ordered to lie on the table one day.

Mr. WILLIAMSON submitted the following resolution, viz:

Resolved, That the several petitions, and the subject-matters embraced in resolutions, refered to the several

standing and select committees the last session, and not reported upon, be again referred to the similar committees.

The resolution was ordered to lie on the table.

Mr. Condict submitted the following joint resolution, which was read, and laid on the table one day, under the rule, viz:

Resolved, by the Senate and House of Representatives of the United States of America, in Congress assembled, That it shall be the duty of the Secretary and Clerk of the respective Houses to lay before Congress, at the commencement of every session, a detailed statement of the expenditure of the contingent fund of each House, during the preceding session, stating the items, quantity, prices, and to whom payment is made.

On motion of Mr. Condict, the Committee of Accounts were instructed to inquire and report whether any, and what, part of the contingent expenses of this House can be curtailed, without detriment to the public service, and that said committee revise the system pursued by the officers of this House, in disbursing the contingent fund, and report whether any further restrictions, responsibilities, or checks, are necessary for its disbursement.

The Committee of the whole House to which is committed the bill to revive and continue in force certain acts for the adjustment of land claims in the Territory of Michigan, were discharged from the further consideration thereof, and the bill was recommitted to the Committee on the Public Lands.

The resolution from the Senate for the appointment of a Joint Committee for Enrolled Bills, was read, and concurred in by the House; and Mr. Dane and Mr. Leftwich were appointed of the said committee on the part of this House.

The resolution from the Senate for the appointment of a Joint Committee to have the direction of the money appropriated for the Library of Congress, was read, and also concurred in by the House; and Mr. Alexander Smyth, Mr. Whipple, and Mr. Cuthbert, were appointed of the said committee on the part of this House.

The Committee of the whole House to which is committed the bill to alter the judicial district of Pennsylvania, and for other purposes, were discharged from the further consideration thereof, and the bill was recommitted to the Committee on the Judiciary.

The House, *pro forma*, to retain for the subjects their preference in the roll of orders of the day, went in and out of Committees of the Whole on the Georgia agreement resolution, and the Missouri land bill; but, not being prepared to act upon them, reported progress and obtained leave to sit again.

OCCUPATION OF COLUMBIA RIVER.

The bill of the last session, providing for the occupation of the mouth of the Columbia river, being next in order—

Mr. Floyd said he was not at the moment ready to present the information on this subject, which he was prepared, at any time during the last session, to have laid before the House; but, not wishing the consideration of the subject to be long deferred on his account, he moved to go into Committee with a view to retaining for the bill its present place in the orders of the day.

The House accordingly went in and out of Committee upon it, leave was given to sit again, and the bill was ordered to be reprinted.

A similar course being proposed on another bill—

Mr. Campbell, of Ohio, said he had no idea of sitting here, to receive motions to go in and out of Committee, and to reprint bills; and suggested the propriety of some step to put an end to this (as it appeared to him) wasteful consumption of time.

No specific proposition, however, being made by Mr. Campbell, the Speaker proceeded in calling over the bills.

DISTRICT OF COLUMBIA.

The first bill which the House agreed to go into Committee of the Whole upon, was the bill to fix the compensation and fees of the Registers of Wills of the counties of Washington and Alexandria, in the District of Columbia.

Mr. Neale assigned, at some length, the views of the committee which had, at the last session of Congress, reported this bill. He showed the importance of a faithful and intelligent administration of the duties of those officers, and gave a view of the nature and extent of their labors and duties—all which, in his opinion, concurred to make the provisions of this bill, for a light increase of their present emoluments, just and reasonable, as well in themselves as by comparison with the compensations of other public officers.

Mr. Hill and Mr. Walworth made some queries as to some of the details of the bill, which seemed objectionable to them; and Mr. Neale answered and explained.

Finally, after some amendment had been made to the bill—

Mr. Cocke made opposition to it on principle, believing the fees now allowed by law to these officers to be sufficient. He moved to strike out the enacting clause of the bill. He considered the fees proposed by the bill to be enormous, and particularly objected to the fee of one dollar for stating each account, and of six and a quarter cents for examining each voucher.

Mr. Neale defended the bill, explained the bearing of these fees to the former fees, and showed the fees now proposed to be allowed to the Registers of Wills to be less than had been allowed by an act of Congress to the clerks of the courts, &c.

The question on striking out the enacting clause, (rejecting the bill,) was decided in the negative, by a large majority.

The bill being reported to the House, with amendments, was concurred in, and ordered to be engrossed, and read a third time to-morrow.

LAND OFFICE RECEIVERS, &c.

The House next resolved itself into a Committee of the Whole, on the bill, reported at the last

session, fixing the compensation of receivers of the public moneys, for their services in transmitting public moneys to safe places of deposite.

Mr. RANKIN briefly explained the object of the bill, the propriety of passing which was sufficiently obvious, by a recurrence to the losses which had occurred under the former system.

No objection being made to the bill, the Committee rose and reported it to the House, and it was ordered to be engrossed, and read a third time to-morrow.

To the same Committee of the Whole had been also referred the bill "for the relief of the registers and receivers of public money of the several land offices;" which was also ordered to be engrossed and read a third time.

The next bill which the House went into Committee upon, was the bill to enable the proprietors of lands, held by titles derived from the United States, to obtain copies of their papers.

The object of the bill was explained in a few words by Mr. COOK; and, no objection being made to the bill, the Committee rose and reported it to the House, and it was ordered to be engrossed and read a third time to-morrow.

The next bill in order was the bill "To abolish imprisonment for debt." Before taking it up, the House adjourned.

THURSDAY, December 12.

Mr. SMITH, of Maryland, from the Committee of Ways and Means, reported a bill for the relief of Nathan Branson, which was read twice, and committed to a Committee of the Whole.

Mr. CANNON, from the Committee on the subject of the Militia, to which was recommitted the bill for the discipline of the militia of the United States, reported the same with amendments; which were ordered to lie on the table.

On motion of Mr. CAMPBELL, of Ohio, all the bills, resolutions, and reports, committed to a Committee of the Whole House on the state of the Union, and to a Committee of the Whole House, not already printed, were ordered to be printed.

An engrossed bill, entitled "An act to enable the proprietors of lands, held by titles derived from the United States, to obtain copies of papers from the proper department, and to declare the effect of such copies," was read the third time and passed.

On motion of Mr. DENISON, the report of the Secretary of State on the petition of Lucy Lamb, made at the last session, was taken up, and, with a view to amendment thereof, was recommitted to the Committee on the Judiciary.

On motion of Mr. CONDICT, the joint resolution requiring from the Secretary and Clerk of the Senate and House of Representatives to make reports at each session of the mode and amount of the contingent expenses of the preceding year, was taken up, and read a first and second time.

Mr. COCKE then moved to lay the resolve on the table. It was understood that the Committee of Ways and Means had the subject of the contingent expenses of Congress under their consideration, and in all probability they would include a provision similar to this in the law which he supposed would pass during the present session. He thought it better, at least, to defer acting on this subject until the Committee of Ways and Means should make their report.

The resolve was ordered to lie on the table.

Mr. WILLIAMSON called up the resolution which he yesterday submitted respecting recommitment to the committees of subjects not acted upon at the last session; which resolution was, by the House, modified and amended, so as to read as follows:

Resolved, That the several petitions and resolutions referred to the several standing and select committees, the last session, and not finally acted upon, be again referred to the same committees.

Mr. WALWORTH moved an amendment to the resolution, by inserting after the word "resolution" the words "upon the suggestion of any member to the Clerk of the House."

The resolution was then, on motion of Mr. CONDICT, ordered to lie on the table.

The SPEAKER then presented a memorial from T. McCormick, senior, proposing an improvement of the navigation of the Falls of the Ohio, by cutting a canal around the same; which, on the suggestion of the SPEAKER, was referred to the Committee of the Whole on the state of the Union, to whom was referred the bill for providing for surveys of certain canals, &c.

The SPEAKER also laid before the House the following letter:

BOSTON, *July* 4, 1822.

To the Hon. the SPEAKER *of the Ho. of Reps.*

SIR: The letter which I had the honor to address to you on the 4th July, 1819, and which Mr. Lowndes was so obliging as to take charge of and deliver, was intended to have been accompanied by the collection of medals therein referred to; but this was unfortunately lost on board the ship Factor, bound to New York, of which accident it appears that the House was duly informed by its committee. As soon as I heard of it, I endeavored to procure a duplicate of the collection, and succeeded a few days before I left Paris, in April last. This, together with the medals which have been struck at Paris, to commemorate some principal events of, and men distinguished in, our Revolution, I take the liberty through you, sir, of herewith sending and offering to Congress, for the use of the National Library.

With sentiments of the highest respect, &c.

GEORGE W. ERVING.

P. S. A printed catalogue of the French medals proper is enclosed in the case which contains them.

The American medals are but five proper, viz:

One of General Washington, at the siege of Boston;
One of Doctor Franklin;
One of Paul Jones; and
Two of the Battle of the Cowpens.

To these I have thought it well to add Columbus and Kosciusko, taken from the collection of illustrious men, deceased, now publishing in the French Mint.

The letter was, on motion of Mr. PLUMER, of New Hampshire, referred to the Library Committee.

MEMORIAL OF REVOLUTIONARY SOLDIERS.

On motion of Mr. CUSHMAN, the petition of sundry officers and soldiers of the Revolutionary Army, at present residing in the State of Maine, heretofore presented to this House on the 21st of January, 1822, was referred to the Committee on Revolutionary Pensions. The memorial is as follows:

The memorial of the undersigned, surviving soldiers of the Revolutionary Army, residing mostly in the State of Maine, respectfully showeth—

That your memorialists, at an early period of their life, and at different stages of the war, engaged in the military service of their country, with that generous ardor of feeling which characterizes the youthful mind, glowing with the love of liberty, and contending for a noble object; and that they discharged the duties of the camp and field with a fortitude, fidelity, and zeal, adapted to the service in which they were engaged. Your memorialists would forbear to enlarge on the sufferings, hardships, and dangers, as well as the brilliant events of the war, undertaken to ward off oppression and to vindicate civil rights, and maintained for the attainment of national sovereignty and independence. These are recorded in the annals of our country—are emblazoned in the history of nations—are fresh in the memories of your honorable bodies, and will live in the grateful recollections of every patriotic generation. Your memorialists cannot, however, refrain from observing that the Revolutionary Army, from the circumstances of the country and the character of the war, actually endured a series of hardships and privations, and were exposed to perils unusual to the well appointed armies of nations, rich in resources, and abounding in all that can render war successful. There are many among the surviving soldiers who entered the service at the lowest ebb of their country's fortune, when no ally had espoused her cause, when resistance to British aggression was treason or rebellion; when there was no alternative but *victory* or *death*. Laborious and distressing were the scenes in which they were actors, and demanded all the active and passive courage of veteran warriors. Arduous and bloody were the battles which they fought; and when not conflicting with the public foe, they were forced to contend against the elements, or to encounter more formidable enemies, hunger and thirst, cold and nakedness. Without covering or shelter, they were frequently exposed to the inclemency of the seasons, and, on icy or frozen ground, they had to perform difficult and fatiguing marches, while the falling snow and rugged earth was distained by the blood issuing from their wounded feet.

But your memorialists will not dilate. Suffice it to say, that the Revolutionary army suffered and fought, and bled, not in aid of tyranny, but in defence of freedom—not to swell the triumphs of a proud oppressor, but to give splendor to the cause of liberty—not to enslave any portion of the human race, but to ameliorate the condition of their own countrymen and to vindicate the inalienable rights of mankind. Their achievement was as glorious as their sufferings had been distressing, or their conflicts severe. They obtained for an injured country its peace, sovereignty, and independence. The object for which the patriot army contended being obtained, your memorialists, in common with others who had been their fellow-sufferers in the war and companions in arms, retired from the field, to the laborious employments of private life—not, however, without indulging the secret hope that the country, watered by their blood, and made to flourish by the toils of heroes and patriots, would, at some future period, be mindful of those through whose sufferings and valor she had attained her prosperity and glory. This long-looked-for period seemed at length to be arrived. At the recommendation of that illustrious statesman, who, under God, presides over the civil destinies of the United States, who fought and bled for his country's rights, the services of the Revolutionary army came up in remembrance for good before the Representatives of the nation. Your memorialists were unable to express the joy which they felt at this unsolicited token of their country's bounty—viewing it as they did, not merely as alms to the needy, but, in a certain sense, a meed to merit—not as a gratuity to the extreme indigent and forlorn, but, in some sort, the long-delayed reward, or the appropriate boon for patriotism and valor, for uncommon perils endured, and uncommon exertions made in a glorious cause. And your memorialists were the more inclined to view the *Pension Act*, of March, 1818, in this light, as many of the officers and soldiers now surviving, enlisted in the service with little or no bounty, received their promised pay in a depreciated currency of small relative value: and also, as what is thus granted, is equally honorary to the donor and to the receiver; but especially as it would best comport with the magnanimity of a great and flourishing Republic. Your memorialists have further to observe, that, as they entered the service of their country at a most interesting period of human life, when the young mind takes its color and direction, by devoting themselves for a considerable length of time to the profession of arms, they not only lost, in some measure, the opportunity enjoyed by others, of laying a foundation for property, but to a certain extent became unqualified to make any considerable acquisition; it being well known to your honorable bodies, that the spirit of heroism, the feelings of gallantry, and the pride of a soldier, all which must be cultivated and nourished in an efficient army, are not the qualities or habits which, in civil life, lead to the attainment of wealth, nor hardly to a bare competency. To persons thus circumstanced, it is conceived something like generosity should be extended.

Believing it to be the best policy of every enlightened nation, to patronize rare merit, to reward uncommon exertions for the common weal, and to allure the patriotic and brave to exalted achievements, your memorialists derive the most sensible pleasure from every public testimony of respect, every tribute of praise bestowed, every encouragement given to those who have nobly endured, or bravely dared for the interest and honor of the country. It is, therefore, with the emotions of approving joy, that they reflect on the provision made by the preceding Congress, for the widow and children of the late Commodore Perry, for his signal victory on the Lakes at a fortunate crisis. But what was the consequence of this victory, as glorious as it was, compared with the brilliant exploits at Princeton, or Trenton, the well-fought battles of Bemis' heights, and the capture of a British army on the plains of Saratoga? The former rescued a territory from the possession of the enemy; the latter saved an aggrieved country from the galling yoke of oppression, and paved the way for its freedom, sovereignty, and independence. Some of your memorialists were concerned in these all-important achievements. And shall the brave exploits of modern heroes only be

had in honor, while the noble achievements of past times, which constitute the very pivots on which the independence of the nation turned, remain unrewarded! The sentiments of policy, as well as of generosity, forbid! A magnanimous republic will not always be unmindful of the heroes on whose prowess, and sufferings, and blood, was laid the foundation of its existence and renown.

"A country rescued by their arms from impending ruin," said the Patriotic Chief of the Revolutionary army, "will never leave unpaid the debt of gratitude." Your memorialists would presume on the candor of your honorable bodies, while they further remark that the pension law, as now modified or construed, is of little or no benefit to the persons for whose relief it was intended to provide. It assists towns, parishes, or corporations, to maintain their own poor, or takes the poor off their hands. By the institutions in New England, at least, these poor have legal claims on the communities to which they respectively belong. The pension law, therefore, in operation, assists rich corporations which need no aid, and not poor individuals who, without public bounty, are entitled to a maintenance by law. Your memorialists, as yet, have too much pride of character to acknowledge themselves absolute paupers, and, in this capacity, to sue for the bounty of their country. The prime of their life was devoted to the profession of arms. After serving the time which they engaged, and being honorably discharged, houseless and homeless, they sought their fortunes in what was then the wilderness of Maine, or other unsettled territories. The vigor of their manhood has been spent in making those sections in which they fixed their residence, what they now are, comparatively, a fruitful field, and fitting them for an entrance into the Union of the States. By the dint of industry and great privations, they obtained, while active, somewhat more than a bare living, or daily subsistence of plain food and coarse garments. But in the decline of life, when bodily strength fails them, they are unable, by any labor that they can perform, to earn a competency. They did, therefore, as they do now, consider themselves as coming within the true intent and meaning of being in indigent and reduced circumstances, and needing the bounty of their country. Your memorialists are still emboldened to hope that your honorable bodies will again take their present circumstances and former services into your candid consideration, and so modify the pension law as that they may be entitled to its provisions, and have additional reasons to rejoice for themselves in those blessings of liberty, sovereignty, and independence, which their valor, their toils, and their blood, contributed to achieve for the enjoyment of their fellow-citizens, and posterity. Thus, will the closing scene of life be as consoling to them, as the opening was useful to their country. And, as in duty bound your petitioners will ever pray.

DISBURSEMENT OF PUBLIC MONEY.

On motion of Mr. BASSETT, the House again resolved itself into a Committee of the Whole, on the bill for imposing more rigorous checks on the disbursement of public money.

On motion of Mr. BASSETT, the bill was amended by adding to it the following, as a new section:

SEC. 4. *Be it further enacted*, That no security given to, or obligation entered into with, the Government, shall be in any wise impaired by the dismissing any officer, or from failure of the President to dismiss any officer, coming under the provisions of this act."

Another slight amendment being made—

The Committee rose, and reported the bill; and, on motion of Mr. BASSETT, who did not wish to precipitate the bill through the House, the consideration of the report was for the present deferred.

DISTRICT OF COLUMBIA.

The engrossed bill for regulating the fees of the registers of wills in the two counties of the District of Columbia, was announced for its third reading; when

Mr. COCKE moved to recommit the bill to a Committee of the whole House. He had found he said, since the short discussion of this subject yesterday, that the good people of this District were very much opposed to the bill, and he wished that an opportunity might be given more fully to examine it. The bill proposed to establish fees which were, in his opinion, enormous, such as were to be found on the statute books of none of the States. He believed the effect of the law would be, in many instances, to strip the widow and the orphan of their whole estates. The fees, he said, had been for many years what they now are, and he believed, though they die sometimes, none of the registers had ever resigned on account of the lowness of their fees. He had been told, indeed, that Dr. Blake, the late Register, had leased out the office for five hundred dollars per annum, and had not the least trouble with it. If so, he said, he should suppose the fees were high enough.

The bill was ordered to be recommitted, as moved by Mr. COCKE, without a division.

LAND OFFICES.

The engrossed bill "for the relief of the registers and receivers of public money of the several Land Offices," was read a third time; and the question being "Shall it pass?"

Mr. VANCE, of Ohio, said that this bill proposed to afford compensation to the land officers for services performed under the relief law. He did not believe that the additional compensation here proposed was necessary. They had complained, indeed, of the arduous duties they had to perform under that law, but he believed they were adequately compensated for their services. It was a subject of common conversation in the country where the land offices were situated, that the officers were making immense fortunes by the exercise of the functions devolved on them. Mr. V. made several observations to illustrate the sufficiency of the compensation at present allowed to the land officers, and concluded by saying that he had been in one of the land offices for a few minutes, whilst the business under the relief law was in transaction, and he had seen the officers receiving money faster than ever he had before seen money received, where it was to be converted wholly to the use of the persons who received it.

Mr. RANKIN stated, in behalf of the committee which had at the last session reported this bill, that it was bottomed on information received from the General Land Office, and on a request from the

Secretary of the Treasury that some compensation might be provided for the extra services of these land officers. In addition to which, the committee had a letter from the Commissioner of the General Land Office, describing the additional duties assigned to the land officers under the law extending relief to the debtors for public lands; and also a number of extracts of letters from the officers themselves, saying that the nature of the business devolved on them was such that they could not perform it for the fees allowed by law, but that, to save the individuals concerned, and to prevent the law from being wholly inoperative, they had progressed in the business, relying on the justice of the Government for indemnity for their extra services.

At the suggestion of Mr. R. the letters from the Secretary of the Treasury and Commissioner of the General Land Office, as well as several extracts of letters from the registers and receivers of the land offices were read.

Mr. Chambers confirmed, generally, what had fallen from his colleague (Mr. Vance) upon this subject. It had been generally understood, he believed, at the time the relief law went into operation, that it would be a profitable business to the land officers; and he had understood, incidentally, that the profits of the office at Zanesville from that business had amounted to $1500. Wishing further time to examine the subject of this bill, he moved that the bill be laid on the table—

Which motion was agreed to.

RECEIVERS OF PUBLIC MONEY.

The engrossed bill "fixing the compensation of receivers of public moneys for their services in transmitting public moneys to safe places of deposite," was read a third time; and the question being "Shall this bill pass?" a debate arose on the bill, which can only be noticed briefly.

Mr. Tracy objected to the passage of the bill, because he was not convinced of its necessity. The House had been told, indeed, that the present compensation for this service was inadequate. That, Mr. T. said, was a matter of opinion, depending on each one's notion of what was or was not adequate. Before he voted on the question, he should like to know what were the actual emoluments of these land officers. Almost every day, he said, he received letters from old acquaintances of his who had migrated to the West, earnestly requesting him to procure them situations in these land offices, from which he presumed these employments were lucrative. Whenever he found these or any other public officers resigning their offices in consequence of the inadequacy of their compensation, he should become alarmed for the consequences, and willing to increase their compensation; but, under present circumstances, he did not feel any disposition to do so in this case, &c.

Mr. Ross was in favor of the bill. It was well known to all who were acquainted with the business of the Land Office, and with the manner in which it is transacted, that the compensation for the transmission of public moneys is wholly inadequate to the risk and labor of the duty, which Mr. R. fully explained. Some of the land officers have now to travel two or three hundred miles to carry the public money to the place of deposite, at their own risk, and without compensation, the present compensation looking only to the receiving and safe-keeping of the money, &c.

Mr. Wood rose for further information before he gave his vote on this bill. He said the result of the examination he had made into the emoluments of the land officers, as far as he had the means of examining them, was, that he found them to be, in some cases, very large. In the case of the Cahawba land office, for example, he found the emoluments must have been something like five thousand dollars in one year, to which this bill would add four thousand more, making something like nine thousand dollars, while at other land offices, the officers received comparatively very little compensation. He suggested these things for consideration only, that gentlemen might be prepared to give the necessary information on the subject at another day.

Mr. Barber, of Ohio, called for the reading of the provisions of a law which limits the compensation of receivers and registers of land offices to $3,000 per annum.

Mr. Wood said he had not before been aware of this provision; but it did not materially affect the objection which he had stated to the present bill, as adding too much to that compensation.

Mr. Cook examined, somewhat in detail, the subject of this bill, which he said appeared to him to be entirely misunderstood. The compensation proposed to be allowed for the transmission of money was to be fixed by the Secretary of the Treasury, and was not to *exceed* one per cent. If the necessary expense of transporting it should be but a quarter per cent., more than that could not be allowed. One per cent. was the maximum of the allowance to be made for this service. The bill would not, he said, put a solitary cent into the pockets of the land officers more than they now receive, and only proposed to defray the additional expense arising from the insolvency of most of the Western banks, and their ceasing to become places of deposite for the public money. The Secretary of the Treasury, who saw the evil of the present system, had come forward and recommended this measure, which Mr. C. hoped would be adopted.

Mr. Sloane confirmed the statements which had been made of the law and the facts in favor of this bill.

Mr. Rankin added further explanations on the subject. Notwithstanding whatever partial views might be taken of the emoluments of the land officers, yet, take one year with another, he believed the compensation now allowed to them to be wholly inadequate to the services rendered. The gentleman from New York had adverted to the number of persons who seek for those offices, as constituting an argument in favor of their lucrativeness. Mr. R. said he too had some experience of the nature of that stated by the gentleman from New York; but he asked that gentle-

man if he had ever heard of any public office that was not sought after. It was wholly immaterial what were the emoluments of any public office, applicants enough would be found for it. The effect of lowering the salaries annexed to public employment was not to diminish the number of applicants for them, but to get incompetent men to fill them. This, Mr. R. said, was false economy. He protested against it, as injurious to the best interests of the country. Immediately after the war, distraction seemed to have seized on all classes of the people in their rage for speculation in the public lands, as in every thing else. The quantity of land sold at some of the land offices was immense; in consequence of which Congress thought proper to diminish the per centage on the sales of public lands which had been allowed to the registers and receivers. But, since that time, things had retired to their natural channel, and the compensations of these officers had become decidedly inadequate to their duties.

Mr. BARBER, of Ohio, stated the fact as to the land office in the district in which he resided. The money received had to be transported quarterly, often in specie, and on horseback, one hundred miles to the place of deposite; and, including the necessary expense of travelling, &c., the one per cent. proposed to be allowed would hardly pay the cost of transportation.

Mr. STERLING, of New York, was not ready, he said, to vote on this bill. By a report which was made at the last session of Congress, he had been perfectly satisfied that the expenses of the land offices were greater than necessary, and that the officers themselves were already abundantly rewarded for their services. At the Cahawba land office, he found the register and receiver charging, together, $4,000 for clerk hire alone, which was considered an incidental expense. High charges were also made for rent, &c., making the whole amount of "incidental expenses" at Cahawba for the year 1820, and the three first quarters of the year 1821, to be more than $8,000. It struck him there was something wrong in this—that the expenditures were larger than they ought to be; and, until he was satisfied on that point, he could not give his vote for the bill. He moved therefore, for the present, that the bill lie on the table.

On the vote, the bill was ordered to lie on the table as moved.

PORTO RICO EXPEDITION.

The House then resumed the consideration of the following resolution, yesterday submitted by Mr. COLDEN:

Resolved, That the President of the United States be requested to lay before this House such information as he may possess, with regard to any hostile expedition which may have been prepared in the United States, and sailed from thence, within the present year, against the territory or dependency of any Power in amity with the United States, and to inform this House whether any measures have been taken to bring to condign punishment persons who may have been concerned in such expedition, contrary to the laws of the United States.

Mr. LITTLE moved to strike out all that part of the resolution which follows the word "States," in the 7th line, and in lieu thereof insert the following:

"And inform this House what amendments to the existing laws are necessary to punish persons who may have been concerned in any such expedition."

Mr. COLDEN said he had no objection to this amendment, as he understood it, though for his own part he believed that the existing laws were competent to the purpose of punishing this offence against the public peace. It was punishable, by law, by imprisonment not exceeding three years, and also by fine. It appeared proper, Mr. C. said, that he should ask the attention of the House for a few minutes, whilst he explained the considerations which had induced him to propose this resolution. It was well understood, he presumed, that it had reference to an expedition, said to have been fitted out from our ports against the dependency of a country with which we are in amity—he meant the expedition against the Island of Porto Rico. Although we have no further information on the subject than what is derived from the newspapers, he believed the information was of that sort to justify the proposition now on the table. In regard to this subject, Mr. C. said there had been various reports. It had been stated that a considerable hostile expedition had been fitted out from our shores—partly, it was said, from the port of Philadelphia; in part from the port of Baltimore, and in part from New York. The accounts of it were contradictory, but all agreed in this: that such an expedition had departed from this country. It appeared to him there were some considerations connected with this expedition, which deserved the consideration of the House. It must be recollected by all, that, not long since, the United States had taken possession of one of the dependencies of this very power, viz., Amelia Island. Our justification for doing so, was, that it was a harbor for pirates, or a place where expeditions were fitted out without the interference of the Government of Spain to prevent it. It was not long since, moreover, we had made applications to Spain and to her colonial government of Cuba, remonstrating to that Power, that she had not done her duty to us and to the world, inasmuch as she has not restrained the enterprises of individuals from her ports; and it was a remarkable circumstance, that at the very time this expedition was fitted out to wrest from the mother country this dependency of Porto Rico, we had a negotiator there remonstrating with the Governor of that dependency in strong terms, but with a courtesy and propriety of manner which did honor to the naval character (Captain Spence) who conducted the negotiation, against the unlawful expeditions fitted from that port to cruise on the high seas. Another singular circumstance, Mr. C. said, was worth notice: that one of the persons at the head of this hostile expedition, he who signed his name as Secretary of State, was a gentleman who, not very long ago, was diplomatic agent of this Government to

the territories of that Government to which Porto Rico was a dependency. Mr. C. said it was not his intention, by this resolution, to cast censure on any one. We do know, said he, that expeditions may be fitted out from our ports without our Government having knowledge of the fact, or the means of preventing it. It was quite probable the President might answer, to this resolution, that he had no information on the subject; or, if he did not, he might tell the House that he has directed the proper officers to investigate the transaction in question. In either case, Mr. C. said, he should be satisfied. His great object was to show to other nations that, while we demand justice from them, we are not indifferent to the conduct of our own citizens.

Mr. C. on further reflection, and consulting members near him, declined assenting to the amendment proposed by Mr. LITTLE; and the question being on agreeing to that amendment—

Mr. CONDICT objected to it as contemplating an alteration in the laws for the punishment of offences already committed, thus giving to them an *ex post facto* operation.

Mr. HILL had another objection to the amendment. It was the first time, he said, he had ever heard it proposed to apply to the President for his opinion what laws Congress ought to pass upon any subject.

Mr. TRACY objected to the amendment on the grounds taken by the two gentlemen who preceded him, and enlarged upon them.

Mr. LITTLE said his reason for proposing any amendment to this resolution was, that he felt no disposition to give his assent to a resolution which called in question the conduct of the Executive of the country in relation to an alleged violation of existing laws. He did not feel himself justified in voting for a declaration, in effect, that the proper authorities have refused or neglected to execute the laws of the Union. His amendment was drawn up in haste, on the suggestion of the moment, and certainly not with the most distant idea of passing *ex post facto* laws. His object was, to devise laws to punish offences of this description that may be hereafter committed, if such laws do not now exist. If the gentleman would consent to strike out the latter clause, Mr. L. said he would waive his proposed amendment, leaving the question of law to be examined by the proper committees of this House.

Mr. L. then withdrew his amendment and moved to strike out the latter clause of the resolve, without proposing to substitute any thing for it.

Mr. COCKE said he hoped the House would not agree to strike out the latter clause of the resolution. It only proposed to inquire of the President whether any measures had been taken by the Government to bring to punishment the persons, if any, who have been concerned in fitting out an expedition from our ports. If the President has been apprized of prosecutions having been set on foot against those persons, it will be necessary for this House to proceed further. But, suppose it should not be so, and the President should tell the House he had received no information to justify a prosecution; the subject would then be fairly before the House, and it would take such measures to punish those who shall be guilty of violations of public peace as it should deem necessary. For his part, Mr. C. said, he could not perceive in this resolution any imputations against any body. All that was asked for was information. There was no imputation whatever against the President in the clause proposed to be stricken out; and he hoped the House would retain it and get all the information on the subject which the resolution calls for.

Mr. WRIGHT did not approve of the idea of calling on the President to know what laws were to be passed, or what prosecutions had been instituted, in regard to this or any other matter. The proper course, he thought, would be, to refer these inquiries to the Judiciary Committee. It was the duty of this House to know what the laws of the country are, and not to go to the President for information on that head. Besides, to refer an inquiry of this sort to the Executive would be to blend and confound its duties with those of the Judiciary. Mr. W. protested against the idea of passing laws to punish those who have committed crimes not heretofore provided for. Every heart must revolt, he said, against a proposition of that sort. Even a tyrant would not inflict punishment for disobedience of his laws, if he had not previously communicated it. No law can be violated which has not pre-existed and been divulged. With regard to the description of offences against the laws of nations embraced in this resolution, Mr. W. said we had gone farther in our provisions to prevent and punish them than any other nation in the world. We feel as much indignation at them as any other people on earth, and we have gone as far to show it. The presumption, Mr. W. said, was that the Executive had done his duty in this matter; and the House could find employment enough in the discharge of its own duty, without calling on the Executive to ask him whether he has done his duty. The presumption was, that the Executive had done its duty, and the House had no right, without information to that effect, to suppose otherwise.

Mr. MOORE thought that this resolution went upon a strange principle. It presumed in the first place that a certain fact had occurred; it then presumed that the President knew of that fact, and it further presumed that measures had not been adopted to punish the persons guilty of the presumed offence. If the Executive was to be called upon by resolutions of this sort, bottomed upon hypothesis and uncertainty, the House would be involved in an endless labyrinth of difficulties. Mr. R. said he conceived it to be incumbent on the gentleman from New York to show to the House what knowledge he himself has of the facts presumed. There ought to be some evidence for the House to go upon. This House cannot know that the President has any information of such an expedition being carried on. Mr. R. concluded by repeating his call on Mr. COLDEN to give to

the House the personal knowledge which he possessed on this subject.

Mr. LITTLE added a few words in favor of his motion to strike out the latter clause of the resolution; when the question was taken on his motion, and decided in the negative.

The question was then taken on agreeing to the resolution in its original shape, and decided in the affirmative, by a large majority.

FRIDAY, December 13.

Mr. BAYLY, from Maryland, appeared and took his seat.

Mr. ALLEN, of Tennessee, presented a petition of James Royal, of that State, as also, of sundry inhabitants of the said State, on his behalf; setting forth that the said Royal lost both his eyes by the explosion of a cannon, which he was assisting in firing on an occasion of public rejoicing, and praying that a pension may be granted him; which petition was referred to a select committee; and Messrs. ALLEN of Tennessee, REID of Georgia, and BALL, were appointed the said committee.

Mr. NEWTON, from the Committee of Commerce, reported a bill to repeal the third section of the act, entitled "An act supplementary to an act, entitled 'An act concerning navigation." [This bill provides, "That the third section of the act, entitled 'An act supplementary to an act, entitled 'An act concerning navigation," passed 15th of May, 1820, be, and the same is hereby, repealed.]

The bill was read twice, and ordered to be engrossed, and read a third time to-day; and was subsequently read a third time, and passed.

Mr. SMITH, of Maryland, from the Committee of Ways and Means, to which was recommitted the bill supplementary to, and to amend, an act entitled "An act to regulate the collection of duties on imports and tonnage," passed 2d of March, 1799, and to repeal an act supplementary thereto, passed 20th of April, 1818, and for other purposes, reported a new bill of the same title, which was read twice, and committed to the Committee of the whole House on the state of the Union.

Mr. FULLER, from the Committee on Naval Affairs, to which was referred the Message from the President upon the subject of piracy, reported a bill authorizing an additional naval force for the suppression of piracy; which bill was read twice, and committed to the Committee of the whole House on the state of the Union.

Mr. HEMPHILL, from the committee appointed on that part of the President's Message which relates to the Cumberland Road, reported a bill for the preservation and repair of the Cumberland Road; which bill was read twice, and committed to a Committee of the Whole.

Mr. HEMPHILL, from the same committee, also reported a bill making appropriations for the Cumberland Road; which was read twice, and committed to a Committee of the Whole.

Mr. SCOTT submitted the following resolution, viz:

Resolved, That the Secretary of the Treasury be directed to transmit to this House all the books and reports of the several Boards of Commissioners, and of the Recorder of Land Titles, in relation to the adjustment of land claims derived from the French and Spanish authorities situated in the now State of Missouri and Territory of Arkansas.

The resolution was ordered to lie on the table one day.

On motion of Mr. TATTNALL, the Committee on the Post Office and Post Roads were instructed to inquire into the expediency of so modifying the act of the last session of Congress, establishing the post route from "Pensacola to St. Marks, thence to Vollusia Dexter's on the St. Johns river thence, down the river, to Picolata, and thence to St. Augustine," as to submit the selection of the most practicable and convenient route between Pensacola and St. Augustine, to the discretion of the Postmaster General.

On motion of Mr. TOMLINSON, the Committee of Commerce were instructed to inquire into the expediency of repealing the act passed April 26th, 1816, by which was allowed an additional compensation of fifty per cent. to the compensation of certain officers of the customs, therein named.

Mr. JENNINGS submitted the following resolution, viz:

Resolved, That the committee appointed on the 10th instant on the two per cent. fund of Indiana, Illinois, and Missouri, be instructed to inquire into the expediency of authorizing, by law, the emission of Treasury notes, to the nominal amount of —— dollars, for the purpose of extending the Western National Road, and which notes to be received only in payment of public lands to be sold by the United States.

Mr. J. made a few remarks in support of his proposition, the purport of which was, that, as one of the objections of going on with the National Road was the state of the Treasury, it was worth inquiry whether a mode of prosecuting it could not be devised, which would take nothing from the Treasury, but be beneficial to the public interest. As the resolution proposed inquiry merely, he did not conceive further remark upon it necessary.

Without further debate, the question was taken on agreeing to the resolution, and decided in the negative by a large majority. So the motion was rejected.

Mr. CHAMBERS submitted for consideration the following resolution:

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of extending the time allowed by law for issuing and locating Military Land Warrants, to officers and soldiers of the Revolutionary Army, with leave to report by bill or otherwise.

Mr. RANKIN suggested that the subject of the resolution had been already referred, he believed, to the Committee on Public Lands.

Mr. CHAMBERS said the subject which had been referred to the Committee on Public Lands, was that of Virginia Military Warrants, and not that which this resolution embraced.

The resolution was agreed to.

On motion of Mr. HILL, the Message from the President of the United States, communicated at the last session to this House, respecting the extinguishment of the Indian title to lands, the right of soil in which is claimed by individual States, was referred to the Committee on the Public Lands.

An engrossed bill, entitled "An act to repeal the third section of the act, entitled An act supplementary to an act, entitled "An act concerning navigation," was read the third time, and passed.

SUPPRESSION OF PIRACY.

The House then resolved itself into a Committee of the Whole on the state of the Union, and took up the following bill, being that reported this day by the Committee on Naval Affairs.

An Act authorizing an additional naval force for the suppression of piracy.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President of the United States be, and he hereby is, authorized to purchase or construct a sufficient number of vessels, in addition to those now employed, of such burden and construction as he may deem necessary, and to fit, equip, and man the same for immediate service, for the purpose of repressing piracy, and of affording effectual protection to the citizens and commerce of the United States in the Gulf of Mexico, and the seas and territories adjacent.

SEC. 2. *And be it further enacted,* That the sum of —— dollars be appropriated to meet the expenditure to be incurred as aforesaid, and paid out of any money in the Treasury, not otherwise appropriated.

Mr. FULLER presented a letter from the Secretary of the Navy, embracing the details of force necessary to be provided, and an estimate of the cost thereof, which was read. In conformity to the suggestions contained in that document, and to the opinion of the Naval Committee, Mr. F. moved to fill the blank in the bill with the sum of $160,000—declining to urge any arguments in support of the measure itself, as not considering them necessary.

The motion to fill the blank was agreed to.

Mr. FLOYD, of Virginia, then rose, and moved to strike out of the bill the words "purchase or," so as to require the vessels therein mentioned to be built, and not purchased. If we are to embark in schemes for spending the three or four millions in the Treasury, Mr. F. said he should prefer that the objects of the expenditure should be such as were worthy of it. He was opposed to making this appropriation for purchasing the refuse commodities of unprofitable traders—those schooners and steamboats, referred to in the letter of the Secretary just read. The mania for steamboats prevailed for a while, but the paper mania had ruined that, and there were abundance of steamboats now to sell. If any vessels were to be procured, he wished they might be such as should be permanently useful, and not such as, according to the suggestion in the Secretary's letter, might be sold after the cut-throats of Matanzas were disposed of. Mr. F. assigned some grounds on which he placed little faith in estimates of the description now presented to the House. We have had an estimate of a building for a naval seminary, to cost ten thousand dollars, which is to be as large as one of the public offices, which cost the United States a hundred thousand dollars. Further, said he, we authorized at a former session an expenditure of ninety thousand dollars, under an act for the suppression of the slave trade. It was distinctly understood in that committee that the object of this appropriation was that the vessels of the United States should be employed on the coast of Africa, and that the necessary expenditure caused by this employment should be defrayed out of this fund. And yet the chairman of the Committee of Ways and Means, at the following session, wondered at the oversight of Congress in not having appropriated money for this very purpose, and the Executive gravely recommended to them to make an appropriation for it. Perhaps, after these vessels were done with that are now to be procured, they might be sold, for their having seen service, at an advantage, and put money into the Treasury! He wished it might be so; for he said he was *radically* fond of money, and wished to keep these three millions in the Treasury for this year, and for the next year, and for the next; and perhaps we might redeem our credit by the year 1825. He was not disposed to refuse any measure which might be necessary to put down the pirates. They ought to be destroyed, and he hoped they would. But, he said, we ought to build for ourselves, and not provide the requisite force by buying old steamboats and unserviceable schooners.

Mr. FULLER said, if the question was between purchasing and building vessels, and the one could be done in any thing like the same time as the other, he should agree with the gentleman in preferring the construction to the purchase of them. Vessels constructed for the purpose might, however, be as indifferent as any that could be purchased; and it was quite likely to be the case if they should be constructed in haste. If the gentleman meant to give six or eight or ten months' time to their construction, and in the mean time let the pirates have their way, (and such must be the consequence of the success of this motion,) Mr. F. was wholly averse to it. If the vessels were to be built suddenly, of green timber, they would be worse than any that were likely to be purchased. The service for which they were intended would be a short one; and, if the vessels escaped out of it, they would be so little deteriorated as to sell for nearly or quite as much as they will have cost; and it might be an argument in favor of this plan, at least with the gentlemen who are very fond of economy, that no great loss would be sustained by the employment of this additional force. Mr. F. did not believe with Mr. FLOYD in the existence, now or heretofore, of a steamboat mania. They were almost the only objects presenting an opportunity for the exercise of the spirit of speculation, on which there had not been a mania. He was convinced that, on this subject, not only this House, but the whole

nation, was in possession of its sober senses, and that a beneficial use would be made of the agency of steam under this bill, which, however, would be passed to little purpose, if, before pursuing the pirates, time were taken to build vessels for the purpose.

Mr. COCKE, of Tennessee, said he was sorry that any altercation should have taken place between the gentlemen from Virginia and Massachusetts, on the subject of building or purchasing steamboats. Recollect, said Mr. C., that we have three steamboats on the Ohio, which can easily be taken down to New Orleans, and thence into the Gulf of Mexico. These boats had been purchased for the use of the Government some years ago, and he presumed were yet in its possession. He was surprised to have heard an application made to the House to appropriate money for steamboats, presuming that the gentlemen would have recollected those steamboats, which, Mr. C. said, were not now engaged in service.

Mr. TOMLINSON, of Connecticut, said, he was opposed to the amendment. He was certainly very well pleased that we have three millions in the Treasury, and he would go with the gentleman from Virginia in all reasonable measures to preserve and increase that sum. But the object of the measure now proposed was not only to protect the lives of those who are employed in the public service, but also to protect commerce; that commerce which has given to us this surplus of three millions of dollars. And, he asked, would gentlemen withdraw protection from this great source of our revenue? Would they delay the preparation of this expedition, when, by doing so, they would sacrifice one of the most important interests of the country? If these vessels were to be constructed, instead of purchased, every gentleman acquainted with the subject knew that it would require a considerable time to carry the bill into effect. During the Winter our commerce is the most exposed to the depredations which this bill is intended to repress. It was in the coming months of February and March that our commerce would suffer most from these piracies, because it was in those months that it was most extensively carried on. It was necessary that the small vessels to be purchased should be fast sailers; and vessels of this sort could be more readily bought than built. Unless the object was to prevent the adoption of sufficient measures to put down the pirates, this amendment ought not to be made.

Mr. SMITH, of Maryland, said, he did not understand his honorable friend from Virginia, as opposing the measures necessary to put an end to piracy, but as suggesting that it would be better to build the vessels than to purchase them. Mr. S. believed that the power of purchasing these vessels ought to be given to the Executive. He believed that vessels could be bought for this service as fit for it as if built for the purpose—such vessels as were constantly building within the Chesapeake Bay—such as are captured by the pirates themselves and converted to their use. There were no vessels of their class superior to this description of vessels which are built for sale on the waters of the Chesapeake. The object of the bill, he thought, would be better answered by leaving to the Executive the right of purchasing these vessels, and he hoped that, by an exertion of this right, such a force would speedily be organized as completely to suppress piracies.

Mr. FLOYD repeated that he was not in the least opposed to taking measures for the suppression of piracy, but only to the mode in which the Executive Department of the Government proposed to make that suppression. He had no notion, he said, of purchasing steamboats to catch pirates. He adverted to the premium given during the late war with Great Britain for catching Englishmen, and the speculations on this premium, drawing therefrom an inference which the reporter heard too indistinctly to sketch.

Mr. TAYLOR, of New York, said that the tragedy so recently acted in the West Indies furnished to his mind a conclusive argument against the amendment proposed by the gentleman from Virginia. He assented to the general proposition that it is better to build than to purchase vessels of war of every class. The experience and professional skill of those distinguished officers who fill the place of Commissioners of the Navy Board with so much honor to themselves and advantage to the nation, were appreciated by none more highly than by him. On all occasions when imperious necessity did not forbid, he should advocate the propriety of having our national vessels constructed under their superintendence. But, in our present exigency, said Mr. TAYLOR, we cannot wait the slow process of construction. We have no time to lose. Piracies are multiplied to an alarming degree. It is to the disgrace of civilized nations that they have been perpetrated so long, so wantonly, and under the eye of constituted authorities. Public feeling at length is aroused. But it required an invaluable sacrifice to effect it. The shade of the brave departed ALLEN invokes immediate protection for our defenceless seamen. This youthful hero is laid in his grave, distant, far distant from his native land, and from the protecting roof which filial piety had afforded to his now disconsolate friends. He was slain by ignoble hands, but he fell in a glorious cause. Humanity weeps over the tomb of her champion, and demands of his murderers an awful retribution. He poured out his life in conflict against the foe of God and man, and the voice of God and man cry for speedy vengeance. Let us, in justice to public feeling, which, in every portion of our country is deep and indignant against the inhuman, the unrelenting cruelties of the pirates in the West Indies, promptly organize a force adequate to their total extermination. Temporizing measures would enhance the evil; they would invite to the perpetration of new atrocities, while another—another—and yet another brave seaman would be laid by the side of the lamented Allen. Mr. T., in conclusion, expressed a hope that the gentleman from Virginia would consent to withdraw his amendment.

Mr. FLOYD again repeated, that he was not

willing to throw any impediment in the way of the chastisement of the pirates. Allen, it was true, had been slain by the pirates. That he was a meritorious officer, Mr. F. did believe; and he did not believe that, with very few exceptions, our Navy affords any other than meritorious officers. And if the nation and Government were always as mindful of that as gentlemen seemed to be on the present occasion, we should not have to witness the spectacle of brave officers applying at this time in vain for justice at their hands. The gallant Commodore Barron would not now be refused the opportunity of active service, nor should we bestow our eulogies on the dead while we stab the reputation of the living man. Was it a privilege of the dead that justice, or more than justice should be done them, while the living are left to weep over the injustice of their country? Mr. F. said he was disposed to cherish the Navy, and even the Army, wretchedly managed as it had been. No man was more disposed than he to do justice to the Navy, or to punish piracy. The only objection he had made was to the mode of doing it; and, lest his motion for amendment might be, by the most censorious, considered as an indication of opposition to the destruction of the pirates, he withdrew it.

The question recurring on the general principle of the bill—

Mr. Eustis said he was well aware that it was desirable that this bill should pass without any improper delay; but it was more desirable that no bill should pass this House without the deliberate consideration due to it. He did not know that the doubt in his mind, as to an expression in that bill, was well founded, but it was of such a nature as to make it necessary for him to call the attention of the House to it. He alluded to the expression in the bill alluding to the West India seas "and territories adjacent." He doubted, for himself, whether piracy could effectually be put an end to without giving authority to our naval officers to pursue the pirates on the land, and there make them prisoners. He did not know but such a provision was necessary; but, if so, it was proper that the House should know that such an authority was given. This bill, it appeared to him, went to authorize any hostile operations necessary to accomplish the object of the suppression of piracy. He had been one of those who was in favor of passing a bill even to that extent; but he had his doubts whether this House was ready to invest the Executive with a power amounting to that of making war. He supposed cases which might arise under this bill. Our officers might pursue pirates into the Island of Cuba, and the Spanish authorities might resist them. Here was at once the commencement of hostilities between us and Spain. He did not know whether it was not worth the hazard of a war to authorize our officers to enter the territories of other Powers in search of pirates. The power which he supposed to be conveyed by the bill was one which he had no doubt the Executive, and even our Navy officers, would exercise with discretion; but it was one which ought to be reflected upon well before it was given. The same argument might be drawn from the supposed entry of a British island as of a Spanish territory. He did not rise to make a motion, but to suggest a doubt; and if that doubt were confined to himself, he should not object to the bill as it stood.

Mr. Fuller said, the committee which reported this bill, aware that there might be a difficulty on this point, had not reported a bill to authorize even the pursuing the pirates on the land, much less the entering the territories of foreign Powers to search for them. The bill was simply intended to provide for the suppression of piracy and the protection of commerce; and there was nothing in it which could by possibility warrant the construction that it was to give authority to the Executive to seek for pirates in the territories of foreign Powers. The question with regard to the law of nations on this subject, it was not necessary here to discuss; but Mr. F. confessed that he had entertained the opinion, that if an officer should find pirates escaping from his pursuit to a territory of a foreign Power, he might have a right to pursue them into the actual (not nominal) jurisdiction of that Power. Whether that was the law or not, this bill conferred no authority whatever on the subject. It was a question, the decision of which must depend on the laws of nations. On this point he had no doubt such instructions would be given by the Executive to our cruisers as would completely guard the amicable relations between the United States and foreign countries. This bill would not have the least tendency towards a different course of proceeding.

Mr. Eustis said, he did not understand that, according to the law of nations, any one Power has a right to make war on the territory of a neutral, for any purpose whatever. Every nation has a right to pursue pirates on the high seas, but Mr. E. very much doubted whether the officers of one nation had a right to enter the jurisdictional limits of another country for any purpose whatever. We have a right to execute our own laws, but not to undertake to make or execute law for another country. The power to pursue pirates into the territories of another nation was a very broad one: it was in fact a power to make war. If the bill were to pass in this shape, not only would the Executive and its officers feel disposed to fulfil the wishes of the Legislature, but they would be bound to do it. He did not wish to be considered as making unnecessary objections; but it appeared to him that Congress could not, consistently with the laws of nations, confer the power which this bill appeared to him to give.

Mr. Wright hoped the House would give all the power which the bill proposed to give—he was sure it would not be abused. Mr. W. made some other remarks, in the course of which he intimated a wish that Congress would give to our naval officers a broader and more absolute power, in regard to the pirates, than any with which this bill could clothe them.

Mr. A. Smyth, of Virginia, proposed an amendment, to constitute the third section of the bill, in the following words:

"*And be it further enacted,* That the President be and he is hereby authorized and required, to pursue the pirates by land, on any of the West India islands to which they may resort, as well as on the ocean, until they are exterminated."

Mr. S. said, as the power of doing this was doubted by the gentleman from Massachusetts, he thought it essentially necessary that the question as to the power should be met and decided here. He trusted Congress would not pass a law in which the duty of the Executive was undefined, so as to throw the responsibility from themselves upon the Executive. If any responsibility is to be borne in respect to this matter, Mr. S. said, let it fall here. He proposed, by his amendment, not only that the Executive should have the power, but that it should be its duty, to pursue the pirates wherever they may retreat. Pirates are to be considered as the enemies of all mankind; all nations should be considered as allies against them, and we should be considered as allies of all other Powers in pursuing the pirates in the West Indian seas. But, whether we were considered so or not, it is lawful, even in national war, where an enemy passes into a neutral territory, to pursue that enemy thither. Every nation, moreover, has a right to put down piracy. If we have a right to exterminate the pirates, we have a right to adopt the necessary means to accomplish the object, which cannot be effected without our allowing our Navy to go further than the gentleman from Massachusetts proposed. That gentleman would confine its operations to the ocean. According to that strictness of limitation, our officers are not to enter a bay or creek to pursue the pirates. Foreign nations, Mr. S. said, act too much by reason to take exceptions to our measures. But, said he, let us give a direct sanction to the necessary measures; let this amendment be adopted, that it may be understood the pirates are to be pursued until they are entirely destroyed, wherever found.

Mr. MCLANE, of Delaware, felt as strongly as any one the necessity of effectual measures for the suppression of piracy; but we ought, in concerting our measures for that purpose, to be at least persuaded that they are calculated to effect the object in view, and not to involve us in more serious difficulties. By the amendment now proposed to this bill, the utmost scope is given—no limit is opposed to the power of the Government to authorize our cruisers to pursue pirates, or supposed pirates, wherever they please; and they may invade, at pleasure, the dominions of a friendly Power in pursuit of any whom they may suppose to be pirates. We have not the right, said Mr. McL., on any principle of the laws of nations with which I am acquainted, to adopt such a provision. Nor is it necessary for the objects in view that we should adopt any such provision. In framing our laws, we ought to have regard to the laws of nations, by which we ourselves profess to be governed in our conduct towards other nations, and by which we insist that other nations shall be governed in their conduct towards us. We have no right to pursue even a pirate into the territory of a neutral or friendly Power, until that Power has refused to interpose, or is incompetent by reason of its own imbecility to prevent and punish the crime. Has this House any information that the Government of Spain has refused its aid to suppress these piracies, or that she is incompetent to do it? We have no such information, nor any on which we could ground such a measure as that which is proposed by the amendment; and if we were to pursue pirates on her territory, the result would be an immediate complaint of such invasion of her territorial rights. And what answer could we return to such complaint? Could we say that the Government of Spain was unable or unwilling to interpose its aid to prevent the recurrence of such piracies? We could not, because on that point we have no information. But, was it necessary, for our purpose, to pursue these pirates on the land? Was it not almost certain they might be put down without our doing so? The documents upon the table state the opinion of the Executive and of the Navy Department to be explicitly that this object may be accomplished in the course of a few months, without any such desperate and dangerous remedy as is contained in this amendment, which it would be time enough to consider when its consideration was forced upon us by the necessity of the case. Let us, said he, give the Executive this appropriation. Let us enable it to send out this force, and after it has been employed promptly and to the utmost extent of its capacity—if, after the Executive has used every means in its hands, we find these pirates cannot be exterminated, let us remonstrate and call on the Spanish Government to expel them from its coasts and territories. If, after this, the Spanish Government refuses or is unable to do its duty, then I will go with the gentleman. But, Mr. McL. said, until it is demonstrated that our means proposed to be applied to this object are insufficient, he could not agree to a proposition which seemed to be fraught with so much evil as the proposed amendment.

Mr. WRIGHT thought the gentleman from Delaware had not taken a full view of this subject. Pirates, Mr W. said, are enemies to all the world —*hostes humani generis.* As to going upon the shores of other nations to look for them, he was not for going quite as far as his honorable friend from Virginia. But as far as the law of nations could go, he would—wherever pirates were found, he would pursue them, within or without the jurisdiction of another Power, to the very shore—nay, he would go further, and capture them upon any shore. He should not be afraid of offending any nation by pursuing pirates, because no nation claims them. A pirate is a pirate; to whatever country he may have belonged, he offends by piracy equally its laws and those of every other nation. Mr. W. added some other remarks, as to what would be the proper destiny of the pirates, which the Reporter did not distinctly hear. It is believed, however, he proposed to send and exchange them with the Turks for the Greeks whom they have carried and sold into captivity.

Mr. Cook, of Illinois, suggested a modification of Mr. Smyth's amendment, which, being adopted, he should be decidedly in favor of the amendment. His modification was to add, after the word "islands," in the third line of Mr. Smyth's amendment, the following words: "permission being first had from the Government to which such island may belong."

Mr. C. said, in support of his suggestion, that on the atrocity of the crime of piracy, and the necessity for its suppression, there appeared to be but one opinion. There could be no member of this House who could believe that any Government would so far countenance piracy as to refuse to another Government, magnanimously stepping forward to arm and fit out a proper force to subdue the pirates—no nation would have so little regard to its own character as to refuse to that Government permission to take them wherever they might be pursued. Although this permission could not be immediately ascertained, there would be time enough to ascertain it before piracy could be entirely put an end to.

Mr. Cambreleng, of New York, said there seemed to be a fatality in every thing connected with these pirates. When our vessels capture them, ill-timed clemency saves them from the gallows; and when we capture vessels which are to all intents pirates, they make their escape from a just fate through the sinuosities of the law. Now, we have a bill before us for putting an end to piracy, which calls for prompt action, and its progress is impeded by needless propositions for amendment. This bill, Mr. C. said, did not call for any land force to take possession of any territory; nor were we now required to discuss any question of national law. This bill does not authorize the President to send a land force to pursue the pirates and break up their establishments. Whenever that great question comes up, it will be time enough to discuss it. At present, however, he hoped gentlemen would throw no needless impediment in the way of this bill. He should himself vote against this amendment, or any other resembling it. He liked the bill as it was; and he hoped our officers, when in pursuit of those pirates, would not pause at an imaginary line. He hoped, he said, that the pursuit of the pirates would not involve us in war; but, if war must be the consequence, he hoped every member of this House was prepared to abide by it. He hoped the bill would pass, and that the questions of law which do not belong to it would be deferred to a future day.

Mr. A. Smyth, of Virginia, said if Mr. Cook would modify his amendment by substituting the word "requested" for the word "had," he would accept it as part of his motion. If permission were requested, whether it were accorded or refused, our course ought to be the same.

Mr. Cook agreed in opinion with Mr. S. on this point, and altered his amendment accordingly, which Mr. S. then accepted as a part of his motion to amend the bill.

Mr. C. made some further observations in favor of the amendment as amended. New Orleans, he said, was the only outlet for the whole produce of the Western country, all of which was in its transit exposed to these marauding pirates. No part of the country therefore was more interested in prompt measures against these depredators, than that of which he was one of the Representatives. He supposed several cases which might arise to make indispensable the exercise of such a power as this amendment would give, in doing which he took occasion to remark that our naval officers were the proudest of our public officers, most zealous of the honor of their country, and taking the greatest interest in protecting it. He concluded, by saying, that there would be time to ask the permission suggested in the amendment; if it should be refused, he should then be ready to go with gentlemen as far as they proposed, though war should be the consequence.

Mr. Barbour (the Speaker) was equally opposed to the amendment as now modified and as originally proposed. If, he said, the House were now legislating on a subject on which it had complete power unconnected with national law, they might give to it what direction they pleased. But the power of any nation in relation to pirates depends on the doctrines of the law of nations. We cannot, therefore, said Mr. B. by legislating here, impart any power to the Executive in regard to this subject beyond what is authorized by the law of nations. He put this question to the House: The President is Commander-in-Chief of the Army and Navy of the United States; in the execution of any duty in which he is to call the Army and Navy into action, he is to act according to his legitimate power. If the subject be one on which the legislation of Congress is binding, he will follow the law. If the subject be one upon which the law of nations prescribes the rule of conduct, he will follow that. Without this House, then, deciding the question of the law of nations, it is sufficient for us that the Executive has the question to decide, and that it is one on which this House ought not to attempt a decision. With regard to the idea of pirates being the enemies of the human race, there could be no doubt of it, and on the great highway of nations we have a right to take them and deal with them as we please. But it was another question how far we have a right to pursue them on the territory of another and a friendly Power. As to the idea of all nations being allies on such an occasion, the gentleman should recollect that there are no allies until the parties have determined to make war together. All nations have a right to make war; but whether they will actually engage in it, is a question for every nation to determine for itself. The argument of his colleague was therefore, Mr. B. said, in this particular, founded on a presumption which did not exist. Without having referred to the books on this subject, Mr. B. expressed his opinion to be, that we have not a right to enter into the territory of any neutral Power to suppress piracy, at least until it is ascertained that such nation has consented to our doing so. Whatever rule we apply, it ought to be recollected, may of right be reciprocated upon us; and he

asked the gentleman whether he would allow any foreign Power to land troops on our shores, or march through our country, on the plea of seeking for pirates? Mr. B. concluded by expressing generally his decided objection to the amendment.

Mr. FLOYD thought the objections which had been urged to the amendment were forcible. He could not vote for it himself. In the first place, it was little short of actual war. Was there any nation so abject, he said, that it would not go to war with the United States rather than submit to the practical operation of a principle like that embraced in the amendment? The law of nations, he knew, provided for the punishment of bad neighbors, and provided even in some cases for the expulsion of them from their territory and the occupation of it by another Power. The shortest way for gentlemen, then, would be to go to the root of the evil, and take possession of Cuba! But, Mr. F. said, we have set out wrong, in regard to the suppression of piracy. The Constitution of the United States says Congress shall have power to define and punish piracy. Congress have never yet defined it, though they have undertaken to punish it. Mr. F. concluded by saying he was willing, as long as he was a member of Congress, to take upon himself his share of any responsibility which might pertain to this body; but he was not willing to put a power into the hands of the Executive, the responsibility for the exercise of which would apply to this body, and not to the Executive.

Mr. ARCHER, of Virginia, objected to all parts of the amendment. He objected to it on several grounds; among which, one was, that it proposed in effect to divest Congress and give to the Executive the power to make war. Nor was this all. No nation, though having just cause of war, has a right to make war, until the grounds of the war have been submitted to the adversary Power, and the demand for reparation of the injury has been found unavailing. This amendment, however, said Mr. A., goes to give the Executive the power to make war, in a case in which even we, the Representatives of the People, could not have the power. From mere wantonness, or volition of any officer, under the amendment, war might be made on the territories of Spain or any other Power. There is no such power even in us, said he; no such power could be given to us by the people whom we represent, and we could not confer such a power. We have been told, by recent advices from Europe, that application has been made by the British Government to that of Spain for the very permission to pursue the pirates which is contemplated by this amendment. Now, Mr. A. put it to this House, whether it would not only give power to the Executive to make war upon a foreign nation, but also authority to depute that power; whether it would do so without any necessity whatever, when we know too that permission has been obtained by another Power from that foreign Power to pursue the pirates on its territory, and may be obtained for this Government also if desired. The amendment he considered therefore to be not only inconsistent with the principles of public law, but with the necessity in which we are placed at this time, &c.

Mr. FULLER concurred generally in the sentiments of the gentlemen who had last spoken, and added, further, that so far from giving more power to the bill than it contains, the amendment will lessen the power of the Executive, by obliging it to stop short in pursuit of the pirates on arriving at the jurisdictional line of another Power, until an opportunity may occur for asking of that Government permission to pass it, &c.

Mr. COLDEN said, referring to Mr. EUSTIS'S suggestion, that, as he understood the bill, no power was proposed to be communicated by it to the Executive which the Executive does not possess—not power which he is not in the exercise of as an authority derived, not from this House, but from the law of nations. Mr. C. adverted to the phraseology of the bill: the only thing which looked like giving power was that sentence which defines the purposes for which the force about to be created is to be employed. Did this enlarge the powers of the Executive? Surely not. Whence was derived the power which is now exercised by the Executive in regard to piracy? There has been no law passed by Congress defining piracy: it is under the law of nations that we pursue and capture pirates. Under this law it is not necessary that we should be on land to be in the territory of another Power. We are in his territory when within the limits which define the extent of his jurisdiction over the sea, viz: the distance of cannon shot (or three miles) from the shore. By the use of the word "territories," therefore, no power was intended to be given by this bill. The President will exercise the same power, after the passage of this bill, that he does now, and to the same degree, under the law of nations. Mr. C. then directed his attention to the amendment which was now before the House. It proposed to extend the power of the Executive beyond the law of nations, and would be so far nugatory. Was it possible such a right could exist as was there assumed? Our own feelings tell us, said he, that this right can be no part of the law of nations. That law is founded on the common feeling and common consent of all mankind; and it would be at once acknowledged, on reflection, that there could be no common feeling or common consent in favor of such a provision. You cannot pursue a pirate on the inhabited territory or in the towns or fortifications of another Power; but still, said Mr. C., I do not believe the law of nations ties up the hands of those who are in pursuit of these common depredators, so that the moment they put their foot on the territory of a nation in amity with us, we must cease to follow them. Whatever is the power in this respect, however, the President now possesses it under the law of nations. The modification of the amendment, Mr. C. considered worse than the original amendment, because, by that, if he was right, an unjust limit was proposed to be set to the power of the Executive; for, it would be easily conceived that, if it was made the duty of the cruising officer to ask the permission there referred to, there would be no

such thing as giving effect to the armament about to be fitted out. Mr. C. supposed cases to show, without theorizing, its practical effect. The true line of right, in this case, was so plain, it might be said to be written by the finger of God on the hearts of men, and might be thus rendered: You shall not pursue these pirates on my territory where I have a force sufficient to correct them; by doing so, you violate my rights; but, when the depredator flies into that part of my territory where I cannot exercise authority, you may pursue him. So that, if the pirates land on one of the keys in the West Indies, can any one doubt our right to pursue them, whoever claims dominion of the naked soil? The simple object of this bill was, to put into the hands of the Executive the means of executing the laws of nations with regard to pirates, and he hoped it would pass without amendment.

Mr. Trimble, of Kentucky, said he did not know but he should be disposed to legislate to the utmost verge of the powers of this House for the suppression of piracy; but he was not perfectly satisfied what that verge was, or that this Committee was at this moment well advised of it. He thought himself that the character of the country was concerned in the passage of any legislative act which may in itself violate national law. He did not say that any proposition now before the House did so. He was ready to vote for the bill as it stood; but he thought it advisable that more time should be taken to consider its provisions—that it might be voted upon on Monday with more fixed opinions than gentlemen appeared now to entertain. The law of nations, he said, was not very occult; but whilst gentlemen learned in the law had, in this debate, differed in opinion as to what the law is, was it not due to the character of the House and the nation to take care, whilst legislating to the very verge of its powers, they did not go beyond that point. He proposed, therefore, that the Committee should rise.

Mr. Mallary earnestly urged the House not to rise and leave this business in suspense. If acted upon at all, it should be promptly. It was important, moreover, that in this bill there should be involved no point of law to delay its passage and execution. The points of national law might be reserved, and yet discussed, if gentlemen chose, before the expedition sailed.

Mr. Smith, yielding to the suggestion of Mr. Mallary, and considering this properly and merely an appropriation bill, then withdrew his amendment.

Mr. Floyd moved to amend the bill by striking out all after the enacting clause, and inserting the following, (being a copy of the bill on the same subject, reported in the Senate:)

"That, for the purpose of enabling the President of the United States to afford more efficient protection to the commerce of the United States, from the depredation of pirates in the Gulf of Mexico and the West Indian seas, the sum of one hundred and sixty thousand dollars is hereby appropriated, to be paid out of any money in the Treasury, not otherwise appropriated; which sum shall be used by the President in providing such an additional force as, in his judgment, shall be best calculated to answer the end aforesaid."

This motion was negatived.

The bill was then reported to the House in its original form (as given in the beginning of the debate) and was ordered to be engrossed and read a third time.

It was accordingly read a third time, passed without a division, and ordered to be sent to the Senate for concurrence.

Adjourned to Monday.

Monday, December 16.

Another member, to wit: from Pennsylvania, Mr. Buchanan appeared, and took his seat.

Mr. Mercer presented a memorial of Robert Young and Richard Bland Lee, judges of the orphan's court of the respective counties of Alexandria and Washington, in the District of Columbia, praying that the said courts may be reorganized upon the plan proposed in the code of jurisprudence, prepared in pursuance of an order of Congress, of the 29th April, 1816, by William Cranch, Chief Justice of said District.

Mr. M. also presented a petition of John Wheelwright, of the District of Columbia, praying to be divorced from his wife, Caroline Eliza Wheelwright, on the ground of her insanity at the present, as well as at the time of their marriage.—Referred to the Committee for the District of Columbia.

Mr. Rhea, from the Committee of Pensions and Revolutionary Claims, reported a bill concerning Invalid Pensions; which was twice read, and committed to a Committee of the Whole.

Mr. Williams, of North Carolina, from the Committee of Claims, made an unfavorable report on the petition of Lucy Lamb; which was read, and ordered to lie on the table.

The resolution submitted by Mr. Scott on the 13th instant was taken up, and agreed to by the House.

On motion of Mr. Newton, the Committee on Commerce were instructed to inquire into the expediency of placing a light vessel at or near Cape Hatteras, in the State of North Carolina.

Mr. Cocke submitted the following resolution:

Resolved, That the President of the United States be requested to cause to be laid before this House a statement, showing the amount expended for the current expenses of the Ordnance department, during the years 1817, 1818, 1819, 1820, and 1821; and as much as can be shown of said expenditure for the year 1822; with the particular items for which the money was expended, the place where, and the persons to whom paid: What quantity of timber has been procured for gun-carriages and caissons, its cost annually, and where deposited; the quantity of ordnance of every kind that has been procured during those years, or paid for; the sums expended in the purchase of sites for arsenals since the peace; the cost of the buildings erected thereon, and whether all those arsenals are necessary for the service of the United States.

The resolution was ordered to lie on the table one day.

On motion of Mr. PATTERSON, of New York, the reports from the several public offices respecting the expenses of the said offices, were taken up, and referred, respectively, to the several committees on the expenditures of the different departments.

On motion of Mr. BASSETT, the House then resumed the consideration of the bill concerning the disbursement of public moneys, and the amendments made in Committee of the Whole were agreed to.

On motion of Mr. B., the bill received a further small amendment respecting the settlement of particular accounts in the War Department; and then the bill was ordered to be engrossed and read a third time to-morrow.

Mr. WILLIAMSON submitted the following resolve for adoption:

Resolved, That the Library Committee be instructed to inquire into the expediency of providing, by law, that a single copy of all such laws, resolves, reports, and Executive communications, of the National Government, as may be printed by order of either House of Congress, be hereafter, from year to year, allowed, and sent gratis, to the oldest principal or other college corporation, or some literary incorporated society in each State.

And, without debate, the question being taken on agreeing thereto, it was decided in the negative. So the resolve was rejected.

THREE PER CENT. FUND.

Mr. WOODCOCK called the attention of the House to the rejection, on the last day's sitting, of a resolution proposed by the gentleman from Indiana, respecting the three per cent. of the net proceeds of sales of public lands in Indiana, &c., against which resolution, Mr. W. said, he had voted. Mr. W. rose to move for a reconsideration of that resolution. The state of this fund, he said, was a proper subject of inquiry, though he would not pledge himself to vote for the specific proposition contained in that resolution. That the gentleman, however, might have an opportunity of bringing the subject fairly before the House, Mr. W. wished to reconsider the vote.

Mr. BASSETT reminded the gentleman from New York, that this resolution did not propose an inquiry into the state of the fund referred to, but an issue of Treasury notes to be in some manner or other connected with it.

Mr. JENNINGS said his object was not, should the vote of Friday be reconsidered, to ask the House now to act upon his proposition, but to move to lay it on the table, with a view to call it up at a future day, by which time it would probably be more reflected upon and better understood than now.

The question on reconsidering the vote of Friday was then taken and agreed to; and, on motion of Mr. JENNINGS, the resolution, now again before the House, was ordered to lie on the table.

ROADS AND CANALS.

Mr. STEWART moved the following:

"*Resolved*, That the subject of roads and canals be referred to a select committee."

Mr. BASSETT suggested that the subject was already before a committee, appointed on a part of the President's Message.

The SPEAKER stated, that the committee referred to was appointed on so much of the Message as relates to the Cumberland Road.

Mr. STEWART said he had received petitions looking to an improvement of a different description from roads, and, until a committee were appointed on the general subject, he was at a loss how to dispose of them.

The question was then taken on agreeing to Mr. STEWART's proposition, and decided in the affirmative; and Messrs. STEWART, REED of Georgia, HAWKES, MATSON, BALL, BURTON, and VANCE, were appointed the said committee.

LIEUTENANT PIERCE.

Mr. FARRELLY submitted the following motion for consideration:

Resolved, That the Committee on Naval Affairs be instructed to inquire into the propriety of making some provision for the support of the widow and child of Lieutenant George Pierce, of the United States Navy, who lately died of the yellow fever, contracted on board of the frigate Macedonia, when in the service of his country.

Mr. FARRELLY accompanied this motion with a few observations. It was, he conceived, of a nature analogous to that adopted the other day, proposing to provide for the support of the mother of the late Lieutenant Allen. It was true, he said, that Lieutenant Pierce did not fall in battle, but he lost his life in the service of his country, pursuing the common enemy of all nations into a pestilential climate. Mr. F. said it was his fortune to know Lieutenant Pierce when on service at Erie, where he was distinguished for the strictness of his discipline, and for every trait which distinguishes a gentleman, which endeared him to all who knew him. His wife (whom he married at Erie) and his child were now, he understood, in Virginia, without even means of returning to the place of her nativity. Mr. F. said he could not see any thing in the circumstances of this case, which made the duty to provide for the family of the deceased less incumbent than it would have been had he fallen by the hands of the robbers whom he was in pursuit of, in which case, by the existing provisions of our laws, his family would have been entitled to a pension, &c.

The question was taken, without further debate, on agreeing to the resolution, and decided in the affirmative by a small majority—57 votes to 54.

CLOTHING THE MILITIA.

The House proceeded to consider the bill to provide for clothing the militia when called into the service of the United States; the first section whereof is as follows:

"That the non-commissioned officers, musicians, and privates, of the militia, who may hereafter be

called into the service of the United States, *shall*, in addition to the pay and emoluments heretofore allowed by law, be entitled to, and receive, the value of a full suit of clothing, in all cases where they shall perform a six months' tour of duty, and furnish themselves with clothing sufficient for the said term of *service*; and, in all cases where they shall be called on for a shorter period, or shall be discharged from the service before the expiration of the time for which they had been required, they shall be entitled to receive such proportion of the value of a suit of clothing as may be equal to the time they may have been in service."

Mr. CANNON, conforming to the suggestion of a gentleman, made the other day, proposed an amendment to the bill, the object of which was, that the clothing to be provided by the militia and paid for by the United States, should be of such an uniform as should have been adopted by the respective States and Territories.

Mr. MCCOY objected to this amendment, on the ground that the uniform provided for the militia by the State laws was in general adopted with reference to its cheapness, and composed of such light and flimsy materials as were not suited to actual service in the field.

Mr. CANNON replied to this objection, declaring at the same time that he felt himself no anxiety on the subject of this amendment.

Mr. WALWORTH took occasion to make some observations on the bill, the general principle of which he approved. He had one objection to the details of the bill, which was, that, although the militiaman was to be paid the value of his clothing, there was no means of ascertaining what that value was. He gave a brief account of the sufferings of the militia during the late war from the want of clothing, and showed how necessary it was, with a view to their entire efficiency, that they should be better provided for when in actual service than they have hitherto been.

The question was taken on Mr. CANNON'S amendment, and decided in the negative.

Mr. A. SMITH, of Virginia, moved an amendment to this effect: "*Provided*, That the amount to be allowed shall not exceed the cost of a full suit of clothing for non-commissioned officers and privates of the Army of the United States." This amendment was agreed to.

Mr. CANNON then made a few general observations on the bill, and recapitulated its provisions, the object of which was, that, whenever the militia were called into service, the officer calling on them should give notice to them to appear prepared with sufficient clothing for the campaign; that, when assembled, their clothing should be inspected and paid for according to its value. With regard to the principle of the bill, Mr. C. said it would be admitted by all, that clothing was almost as necessary as arms to the efficiency of an army. In more than one instance during the late war, he had seen militia who had not been in service more than twenty or thirty days, who, owing to their poor clothing and the inclemency of the weather, had become wholly unfit for service. The measure proposed by this bill was one of the foremost of those which ought to be adopted to build up the great defence of the country. He was aware, he said, that there are many who believe that no reliance ought to be placed upon the efficiency of a militia force for any national defence. The experience of the last war, Mr. C. said, had been sufficient, in his opinion, to convince the people of this country that the militia were, at last, the only safe reliance for the defence of the country in war. He hoped that this measure would be adopted and followed by others, which would make the people the efficient and safe defence of the country, as they were intended to be by the Constitution of the United States.

Mr. COLDEN, of New York, considered it no more than right and just that the militia should be paid, whilst in the service of the United States, the expense of their clothing. But, inasmuch as the United States were to pay for the clothing, it appeared to him the Government ought to reserve to itself the right of prescribing what that clothing should be. There was no other way of controlling the value or quality of this clothing. The clothing of a militiaman might be very valuable to him as a citizen, and yet very unsuitable for the service in which he was engaged, &c. Mr. C. rose to propose an amendment, in the shape of a new section to be added to the bill, which he thought would obviate all difficulties in this particular. His amendment was in the following words:

"That the clothing to be furnished or provided in pursuance of this act, shall be in conformity to a uniform which the President may, from time to time, prescribe for the militia called into the service of the United States; and, unless such clothing be such uniform, no pay shall be allowed therefor."

Mr. CANNON opposed the amendment at considerable length.

Mr. FLOYD objected to this principle, as going enormously to increase the expenses of the militia service. The cost of the uniform of a soldier of the United States, he believed, was about thirty-four dollars. Of the whole number of the militia of Virginia alone, seventy-one thousand had been, at one time or other of the late war, called into the field. The expense to be incurred under such an act as this would be, in case of war, enormous. Mr. F. stated other objections to the proposed provisions of the bill, one of which was, that it would have a tendency to prevent the volunteer corps from clothing themselves, &c.

Mr. FARRELLY, adverting to the fact that the volunteers of Pennsylvania and he presumed of other States, clothed themselves, moved to add to the amendment of Mr. COLDEN an exception in the following words: "Except as to those companies of volunteers who have provided their own uniform."

This motion was negatived.

After some further observations from Mr. CANNON, against the motion of Mr. COLDEN, to which Mr. COLDEN replied—

The question was taken on agreeing to Mr. COLDEN'S motion, and decided in the negative.

Mr. WHIPPLE thought the allowance for clothing, proposed by the bill, ought not to be made, unless where the militiaman serves out a tour of six months' duty in the field; and proposed an amendment, the object of which to make the full allowance for six months' service, and, for a less term of service, such allowance as shall be proportioned to the term actually served.

This motion was opposed by Mr. CANNON, and decidedly opposed by Mr. METCALFE, and was negatived.

Mr. A. SMYTH, of Virginia, moved an amendment to the bill, which was, to substitute for its principal provision another, viz: that the militia, when called into actual service, shall "receive 'three dollars per month as a compensation for 'furnishing their own clothing; and, if it shall 'be necessary, articles of clothing shall be fur-'nished by the commissary department of the 'United States, to be deducted from the allow-'ance for clothing, or from the pay of the militia 'at the contract prices thereof."

This motion was debated by Mr. S. SMITH, Mr. METCALFE, and Mr. ALEXANDER SMYTH, and was finally negatived—73 votes to 46.

The bill was then ordered to be engrossed for a third reading.

TUESDAY, December 17.

On motion of Mr. FULLER, it was

Ordered, That the petition of James H. Clark, a purser in the Navy of the United States, praying to be allowed, in the settlement of his accounts, for a considerable sum of money, of which he was robbed in Marseilles, in France, while on public duty; be referred to the Committee on Naval Affairs.

[It appeared, from a conversation between the Speaker and Mr. FULLER, that all the bills received from the Senate at the last session, and not acted upon at the last session, are defunct, and cannot be resuscitated without being originated anew. All bills originating in this House, however, at the last session, and not finally acted upon, are taken up at this session, and acted on in the order in which they stand on the roll of orders of the day.]

Mr. COLDEN presented a memorial of Lawrence Kearney, commander of the United States brig of war "Enterprise," on behalf of himself, the officers, and crew, of said brig, setting forth, that, in execution of the orders of the Navy Department, he captured in the month of October, 1821, five piratical vessels, with two of their prizes; that he destroyed two of the piratical vessels, and with the remaining three and the two prizes arrived in the port of Charleston, in South Carolina, where the former were libelled for condemnation, and the latter for salvage; that the condemnation took place, and the claim for salvage was allowed, but that the costs of prosecution were so enormous as to amount to upwards of seven hundred dollars more than was received for the sale of the prizes, which deficiency he has been compelled to pay; and that the costs of prosecuting the claim for salvage amount to almost as much as the proceeds of said claim, leaving but a small balance to be distributed among his crew as prize-money; that the merchandise libelled for salvage paid upwards of nine thousand dollars duties into the Treasury, and praying that such part of said duties may be refunded as will make a reasonable compensation to himself, his officers, and crew, for the risk and trouble they have had in the capture aforesaid.—Referred to the Committee on Naval Affairs.

Mr. RANKIN, from the Committee on the Public Lands, who were instructed, on the 6th instant, "to inquire into the expediency of continuing for a further time the act, entitled "An act to extend the time for locating Virginia military land warrants, and returning surveys thereon to the General Land Office," and to whom was also referred the petitions of Robert Wilkins, Peter Faulkner, John Hill, jr., and of the heirs of William Smith, deceased, reported a bill, extending the time for locating Virginia military land warrants, and returning surveys thereon to the General Land Office; which bill was read twice, and committed to a Committee of the whole House to-morrow.

Mr. CAMPBELL, from the Committee on Private Land Claims, made a report on the petition of John Jenkins, accompanied by a bill for his relief; which was read twice, and committed to a Committee of the Whole.

Mr. EUSTIS, from the Committee on Military Affairs, reported a bill to continue the present mode of supplying the Army of the United States, (that is, the Commissariat system;) which was read twice, and committed to a Committee of the Whole.

Mr. EUSTIS, from the same committee, by order thereof, reported the following resolution, viz:

Resolved, That the President of the United States be, and hereby is, requested to cause a survey to be made of the bay and river Penobscot; and to determine on the expediency of constructing a battery or other fortification in or near the town of Prospect, on the west side of Penobscot river, and in case such fortification shall be judged necessary, to cause a plan thereof, together with an estimate of the expense of erecting the same, to be laid before Congress at their next session.

The resolution was read, and, on the question to concur with the Committee on Military Affairs therein, it passed in the affirmative.

The SPEAKER communicated to the House the following letter, to wit:

WASHINGTON, *Dec.* 17, 1822.

SIR: I have the honor to inform you that I have been appointed a Senator to represent the State of Maryland in the Senate of the United States, and in consequence do resign my seat in the House of Representatives. I have the honor to be, &c.

S. SMITH.

Hon. PHILIP P. BARBOUR,
Speaker of the House of Reps.

Ordered, That the said letter do lie on the table, and that the Speaker of this House be directed to communicate the resignation of Mr. Smith to the Governor of the State of Maryland.

On motion of Mr. JOHNSON, of Louisiana, the Committee on Public Lands were instructed to

inquire into the expediency of renewing a law, granting a pre-emption of back lands in Louisiana, which expired in May last.

On motion of Mr. WALKER, the Committee of Ways and Means were directed to inquire into the expediency of making an appropriation to defray the expenses of holding a treaty with the Cherokee nation of Indians, for the purpose of extinguishing their claim to land within the limits of North Carolina.

The bill to provide for clothing the militia of the United States when in actual service, was read a third time, passed, and sent to the Senate for concurrence.

ORDNANCE EXPENDITURES.

The House took up the resolution yesterday moved by Mr. COCKE, calling upon the President to cause to be laid before the House a particular statement of ordnance expenditures, &c. Mr. C. modified his motion so as to require in addition a statement of the whole amount of ordnance of every description now belonging to the United States.

Mr. COCKE said he wanted to know what the ordnance of the United States consisted of, at the close of the late war, and what it was now. It would be recollected, he said, that at the last session a counterpart of his resolution had been presented to the House and received its sanction. After an interval of some months, during which the information might have been obtained, the House was told that the information could not be furnished at that session. The object which Mr. C. had was to bring this motion before the Administration at as early a period as possible in the present session, that an answer might be obtained to it. Mr. C. said, it was well known that, every year, large sums of money are appropriated for the Ordnance department. How that money was disposed of he should like to know. One circumstance, however, forced itself on the mind; that, after several months' notice being given at a previous session, all the answer given to the House was that the required information could not be furnished. The conclusion, to his mind, was, that that department was, to say the least of it, a little deranged.

The resolve of Mr. COCKE was then agreed to, without objection.

DISBURSEMENT OF PUBLIC MONEY.

The engrossed bill "concerning the disbursement of public moneys," (forbidding advances on contracts) was read a third time; and the question being "Shall the bill pass?"

Mr. NEWTON, of Virginia, said, he was opposed to the bill, for reasons which he would briefly state. The present system had been in operation for two and thirty years, and had been amended, from time to time, until it had been made such as to compel those who had the disbursement of public money to account for it promptly. He believed, he said, notwithstanding a considerable noise had been made about the loss of public money in its collection and disbursement, it would be found, when the subject was fairly considered, and all the facts fully known, that the total amount of losses, from the commencement of the Government, would not amount to more than about two millions and a half of dollars. In the port of New York, in which most of the duties on imports were collected, he did not know that the total loss would amount to $600,000. Mr. N. was satisfied, he said, that the Government is going on extremely well; that the accounting officers are extremely vigilant in the discharge of their duty; that all those into whose hands the public money goes, are called strictly to account for its expenditure. Why, then, he asked, pass new laws upon the subject? Things are going on very well; let us be satisfied with them as they are. Mr. N. said he believed that the greatest curse which could befall a republican people was the multiplication of unnecessary laws. Besides this general objection, however, he had other serious objections to this bill. The bill provides that no money shall be advanced to contractors but for articles furnished, the value of which shall be ascertained, and for services actually rendered. Then comes a proviso, authorizing the officers of Government to make advances when they think them necessary to the public service. Thus, Mr. N. said, the proviso neutralizes the enactment of the bill, and leaves things exactly as they now are. But suppose it does not leave things as they are. By excluding advances you put an end at once to competition, by which the public interest is so much consulted. Your most valuable citizens are at once excluded from engaging in the business of supply for the public service. The wealth of the mechanics of the United States, Mr. N. said, consists in their honesty and their enterprise; they have no other capital. They cannot make contracts, if you forbid advances to them. By doing so, you throw the business of contracts into the hands of a few men who have capital, and who will make the Government pay as high as possible for that they furnish. So far from producing the delightful system of economy which the supporters of the bill imagine, it will produce the opposite effect, of prodigality, and, in addition, will be a proscription of a large class of our fellow-citizens. This, however, was not his only objection to the bill. This House, he said, was the Grand Inquest of the nation, whose business it was to arrest and punish usurpations of power. But the House was about itself to usurp power, in dismissing persons from public offices by law, (on their failure periodically to settle their accounts, &c.) This, Mr. N. said, was an Executive power; it was one of the prerogatives of the President. If he do not do his duty in removing from office those who may neglect their duty, he is amenable to this House for his misconduct. For these, and other reasons, which he would not fatigue the House by stating, Mr. N. believed that the bill was unnecessary and ought not to pass, and should give it his decided negative.

Mr. BASSETT said that to the whole of the objections adduced by his colleague to this bill, it would be a sufficient answer, perhaps, that the

present practice in the Government approached as nearly as possible to the system proposed in this bill. If his arguments, therefore, were well founded, they formed no objection to the bill; inasmuch as, that what was now practice in the Government could not be worse if it were made law. Mr. B. referred to the letter from the Secretary of War, yesterday read to the House, from which it appeared that that Department had found it necessary to bring the public business as nearly as possible to the system proposed by this bill. Mr. B. had further understood, in conversation with the Secretary of War, that it was desirable that the system now established in practice should be fixed and made permanent by a legislative act; because every new officer coming into the Government, unapprized and unacquainted with the difficulties of this sort which he would have to encounter under the former system of advances, &c. was thrown, before he knew it, into the very vortex of them. Was not this, Mr. B. asked, a demonstrable argument in favor of this bill and against his colleague? Mr. B. quoted the late Message of the President, to show the quantities of public money which were at one time in the hands of public agents. Are the moneys of the country, said he, to be thus thrown abroad, subject only to the accountability of individuals? Was this necessary? Could not Government be supported but on principles fraught with destruction to the public interest? And if there be an individual who is benefited by profligacy in the public expenditure, is that a reason why this bill should not pass? Mr. B. said he knew his colleague too well to suppose that he would support the principle that any individual in the Government, let his situation be what it will, is to be sustained at the public expense. Mr. B. defended the bill from the charge of partiality. The causes of discrimination between persons seeking contracts are, said Mr. B., beyond our control. Did the gentleman suppose the Government was to make contracts with persons who are paupers, and put large sums into their hands, relying upon their accountability? The gentleman would be himself one of the first to blame the Government for doing so. This bill, besides, Mr. B. said, would save the public money from being lost, and, from what appeared from the President's Message, it was high time some steps were taken to prevent further dilapidation of the public money. Mr. B. took further views of the subject, of the same import with the preceding. He particularly denied that the bill bore on the less wealthy more severely than on others, inasmuch as their contracts, he urged, would give them credit for as much money as was necessary to enable them to comply with them. And with regard to usurpation, which had been charged upon the bill, Mr. B. said he had supposed the very essence of legislation to be to lay down general rules under which those who perform the Executive functions are to act. If the Legislature were cut off from this authority, the Executive was supreme as to every thing relating to public offices, and no act of Congress could affect him, which was a doctrine which he presumed the House would not sustain, &c.

Mr. WRIGHT delivered his opinions against the bill, for a variety of reasons, some of which, from his distance, escaped the reporter. He said, however, that on inquiry it would be found that, in a variety of cases of contract for timber, the Navy Department had been obliged to advance money, in defiance of a desire to do otherwise, before the contracts could be complied with. In some instances, by accident, persons willing to contract might be found in a different station, but it was so rare as only by an exception to prove the rule, &c. Mr. W. concluded his remarks by moving that the bill lie on the table.

This motion was negatived.

The question was then taken on the passage of the bill, and it was passed, by a large majority, and sent to the Senate for concurrence.

GEORGIA AND THE UNITED STATES.

The House, then, according to the order of the day, resolved itself into a Committee of the Whole, on the resolutions respecting the articles of cession and agreement between the United States and the State of Georgia, as affected by the Creek and Cherokee treaties.

The resolutions are in the following words:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the above treaties as pretends to grant to the Indians fee simple titles to lands within the limits of Georgia, is a violation of the sovereign rights of that State.

2. *Resolved,* That so much of the said treaties as purports to grant to the Indians the rights of citizenship, is a violation of the rights of Congress.

3. *Resolved,* That the sum of —— be appropriated for the purpose of holding treaties with the Creek and Cherokee Indians, for the extinguishment of their title to lands within the limits of Georgia.

4. *Resolved,* That so much of the treaty, made the 27th of February, 1819, as directs a large portion of the public lands to be sold, and the proceeds to be vested in some public stock, by the President of the United States, and to be disposed of by him for the benefit of the Cherokee Indians, does not accord with the general policy of this Government, and the power of Congress over the public property in the United States.

Mr. TATTNALL, of Georgia, moved to strike out the first three of these resolutions, and insert in lieu thereof the following:

1. *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That so much of the several treaties, made between the United States and the Creek and Cherokee Indians, as provides for reserves to the Indians, of lands in fee simple, within the territory ceded to Georgia, is calculated to interfere with the sovereign rights of that State, and is in direct violation of the "articles of agreement and cession between the United States and the State of Georgia," concluded on the 24th of April, 1802.

2. *Resolved,* That it is expedient and proper that an appropriation be made by Congress, of a sum, adequate to the extinction of the Indian title, to the

"reserves" embraced within the treaties above referred to.

Mr. TATTNALL said it was not his intention, nor did he believe it was that of his colleagues, to detain the attention of this House by remarks upon this subject. It had been so fully discussed at the last session by one of his colleagues, and the views which he had taken of it had been so decidedly supported by the vote of this House making an appropriation for the purpose referred to in the third resolution, he should say no more on the subject now, than that the resolutions now submitted were a mere modification of those for which he proposed to substitute them. The only subject involved was that of the lands reserved to the Indians in fee simple. It would be remembered by all, that, by the articles of cession and agreement of 1802, between the United States and Georgia, it became obligatory on the United States to extinguish the fee simple, as well as the national rights of the Indians. Through the inadvertence of those who were authorized to make the treaties in question, or from some other cause, among other provisions, certain reserves in fee simple were made to particular Indians. The consequence of this was, a state of things perfectly unparalleled. For it was a fact that it was now a question agitated in the courts of Georgia whether there existed over those reservations, at this moment, any national jurisdiction whatsoever. According to his view of the matter, Mr. T. said, these spots are not at present subject to any national jurisdiction whatsoever. These resolutions called upon the House simply to enforce the agreement between the United States and Georgia—to recognise the principle that an appropriation ought to be made for this purpose. The amount of it would be a matter to be settled by the Committee of Ways and Means.

Mr. WOOD professed himself to be in want of some further information than he now had on this subject. He wished to know what was the amount involved in these reservations, &c. He suggested, also, that, as the first resolution was merely an abstract declaration, which could have no legal effect, it was calculated to embarrass the House without any correspondent advantage to the State of Georgia, &c. Mr. W. concluded by moving, in order to allow further time to examine the subject, that the Committee now rise and have leave to sit again.

Mr. TATTNALL said he was not tenacious as to the first resolution. But, when money was asked to be appropriated, there appeared to be a propriety in stating the grounds of the appropriation. But, said he, give us the money, if the House choose, and we will relinquish the declarations. Give us justice, and we care nothing about resolutions. Mr. T. said he had no objection to giving further time for consideration, being well assured that, when well understood, these resolutions would not meet with the least objection.

The Committee then rose, reported progress, and obtained leave to sit again upon the subject.

The bill to authorize certain persons in Missouri to try the titles to their lands, was next in order, and, on motion of Mr. RANKIN, was recommitted to the Committee of Public Lands.

OCCUPATION OF COLUMBIA RIVER.

The next bill in order was the bill to provide for the occupation of the mouth of the Columbia river, and the House went into a Committee of the Whole on the subject.

On motion of Mr. FLOYD, the blank for the number of miles square to which the Indian title is to be extinguished was filled with *thirty;* and the blank for the number of acres to be allowed to each actual settler who is the head of a family was filled with three hundred and twenty.

On the suggestion of Mr. WRIGHT that the word "occupy" did not seem to him proper to apply to the settlement of a territory already ours,

Mr. FLOYD thought the word proper as implying *military* occupation, but, to accommodate the views of the gentleman from Maryland, moved to insert the words "with a military force" after the word "occupy."

This amendment was agreed to.

On motion of Mr. FLOYD, the blanks in the bill were filled; respecting which there was no contest, except as to the one which fixes the salary of the Governor of the proposed Territory of Oregon.

Mr. FLOYD moved $3,000; Mr. MCCOY $2,000; and Mr. COLDEN $5,000.

Mr. COLDEN supported his motion by a variety of pertinent arguments, derived from the peculiar importance and seclusion of this trust; to which Mr. FLOYD did not so much object as apprehend an agreement to it might make others unfriendly to the bill.

The sum moved by Mr. FLOYD was finally agreed to.

The bill having been gone through—

Mr. FLOYD, of Virginia, rose and said that after the labor which had been bestowed upon this subject by the Committee on the Occupation of the Columbia River, and the long report which they had presented to the House, it could not be expected that he should say much that was new or interesting in support of the bill: all that he desired was to claim the indulgence of the House for a short time, until he offered a few facts which were in his possession, and such reflections as had presented themselves in support of the measure.

I know, said Mr. F., that much has been said relative to the occupation of the Columbia, or Oregon, and that the measure has been by some called fanciful, and I a bold projector; against which in the outset I must protest, as I have always conceived persons of that character to be often governed by motives other than the good of their country, though the nation may sometimes even be benefited by them. I hope, however, to show in this that benefits will result to the public; and at most it is only acting promptly, upon precisely the same principle which has directed the progress of population from the moment the English first landed in Virginia, until it has penetrated far into the bosom of the forest. I will, in the first place, notice its course.

The first charter granted to Virginia, by King James the First of England, bears date the 10th of April, 1606, which limits the settlements to one hundred miles. In his subsequent charters the boundary is extended. But, some time after that, the authority of the Crown was used to prevent any settlement west of the Alleghany mountain; which proved to be altogether a fruitless attempt, as (to use the words of the celebrated Voltaire) "the ball of empire was rolling to the West;" no power of Government could resist its progress.

Tennessee, I believe, was settled contrary to the command of Government; and Governor Sevier, a gentleman of great enterprise, high integrity and honor, was even outlawed for having the temerity to go beyond the limits assigned to the people by their Government. I do not profess to be well acquainted with the history of that State, but I see enough of her intelligent members to correct me if I am in an error.

Kentucky, it is true, was afterwards settled by Virginia, but her citizens occupied the country at their own hazard, maintained it by their own wars, and brought it to its present state of grandeur and improvement. A more recent example is afforded us in the settlement of Boon's Lick—the finest, fairest, and most fertile part of the State of Missouri. Individual enterprise sought that country, and occupied it contrary to the wishes and authority of this Government. Of this fact I have not the proof, but have not heard the charge denied. Thus it is with those who hold authority, whether Republican, Imperial, or Royal; all take upon themselves the exclusive privilege of thinking for the people; of checking the progress of population in one direction, and fixing boundaries to it in another, beyond which they are not permitted to pass;—all must quadrate with the Executive notion of military defence. This disposition of Government checked, but the flood rolled slowly onward—"the ball of empire" is indeed "rolling to the West."

In the year 1755 the population of Virginia had spread three hundred miles into the interior of the country, comprising a period of one hundred and forty-nine years. From the year 1755 to the year 1779, owing perhaps to the war, no great change was visible in the Western frontier. At this period the Western country began to be inhabited; and down to the year 1822, comprising a period of forty-three years, we find that the population has spread over the country to the distance of one thousand and forty-one miles. The war of the Revolution put power into the hands of the people; they were not disposed to be kept cramped on sterile soil, because the military aspect of the country would better please the notions of their oppressors. Every man had a right, by our principles, to "seek his own happiness in his own way;" and the mandates which would have kept Boon's Lick a wilderness were disregarded. This short space of time is less than the life of many individuals in this House. This is not "a tale of the times of old;" it has taken place in our own day. There are strong proofs that the people perceive their own interests long before the Government can be prevailed upon to relinquish to them the privilege of acting.

The settlement on the Oregon, as contemplated by this bill, connecting the trade of that river and coast with the Missouri and the Mississippi, is to open a mine of wealth to the shipping interests and the Western country, surpassing the hopes even of avarice itself. It consists principally of things which will purchase the manufactures and products of China at a better profit than gold and silver; and if that attention is bestowed upon the country to which its value and position entitle it, it will yield a profit, producing more wealth to the nation than all the shipments which have ever in any one year been made to Canton from the United States.

These three magnificent rivers water a tract of country where the best furs in America are taken, of three thousand miles in extent, spreading from the forty-second to the forty-ninth degree of north latitude. But as the convention of London, entered into on the 20th October, 1818, does not extend beyond the Rocky mountain, the claim of the United States is believed to be much broader on that side, comprehending the most valuable copper mines on the Continent—so pure that the natives form their utensils and their ornaments of it without difficulty, and it is to be had in profuse abundance.

Most of the hunting ground on the Missouri has been for a long time in the hands of the British traders; and, until within a few years, that of the Mississippi was in the same condition, and so entirely have they been convinced of its importance that no expedient was left untried to secure the prize. They have advanced far into the interior, to make their establishment, and resorted to every means in their power to impress the Indians with unfavorable opinions in relation to the United States, which the paltry peddling factory system, with all its knavery was well calculated to fix on their minds. Under all the disadvantages which the American trader had to labor, encountering the hostility of the English, and still greater hostility of our factory system, there was produced from the Mississippi trade with the Indians, about two hundred and fifty thousand dollars annually; and from the Missouri below the Mandan villages, about one hundred and twenty thousand dollars a year. The capital which produced this result was small, and composed of things of little value: by opening too, a trade, far into the interior, conducted by enterprising individuals, you produce a corresponding influence, which will strongly tend to preserve the peace and good understanding which now exists with the Indians. They are a proud high spirited people: when once deceived are rarely reconciled; but as the trader's safety, his life, and his hope of gain, and prospect of success, depends upon his influence with them, and the existence and continuance of peace, you have the strongest possible assurance from him, to cultivate a good understanding with them: and in this way you will preserve peace on the frontiers more effectually than by all the laws you can pass: In war the trader is always plundered, and mur-

dered: the more wealth he has, the less his chance of escape.

I will, Mr. Chairman, in this place, take some notice of the value of this trade in the hands of the English, when it has been encouraged and attended to—what a contrast! with the finest rivers in America, and almost all the fur districts, we have reaped but a scanty benefit from a trade, capable of enriching an empire. Whilst ours has yielded us only three hundred and seventy thousand dollars annually; theirs has amounted to millions for export. In the year 1803, there were exported from Quebec alone, the skins of 650,729 quadrupeds, 93,778 of which were of the beaver. A respectable and intelligent hatter of Washington City gives the following as the price here: Beaver, first quality, $5 to $6 per pound; a skin will weigh from three-fourths of a pound, to one pound and an half; muskrats, from 45 to 55 cts. per skin; raccoon 65 cts. per skin. For the year 1820, I have only the notice taken of the trade of Canada by a New York paper, it bears all the marks of an official document, and, I think, may be safely relied upon. It makes this statement: Notwithstanding the general depression of trade, the commerce of Lower Canada seems to be prosperous, and, from a list of exports and imports for the year 1820, we conclude the colony is gradually becoming a very important and valuable addition to the British Crown. In the last year 585 vessels, 147,754 tons, and 6,767 men, entered the port of Quebec, bringing wine and spirituous liquors, sugar, coffee, and tobacco, with other articles, amounting to 1,165,993 pounds, Halifax currency, four dollars to the pound: exporting timber of all kinds, ashes, grain, fish-oil, furs, peltries, &c., to the amount of £790,521, exclusive of the furs and peltries, which is estimated at one million of dollars. This year there was exported 106,517 martin skins, 57,192 beaver, 36,115 muskrat, with various other skins, besides casks and kegs of castorum. For the year 1821, I hold in my hand an official statement of the imports and exports of Quebec. In that year there were exported the skins of 164,330 quadrupeds, of which there were 75,562 martins, which, I am informed, were worth at a low estimate, $188,305; there were also 56,080 beaver skins. For this official paper, I am indebted to the kindness of a gentleman whose integrity, personal worth, and sound understanding, are well known to this House, of which he was lately a member. I allude to Mr. Ezra Meech, of Shelburn. In his letter to me, of the 20th of January, 1822, he makes this statement: "The exports of furs is about one-half less in 1821 'than in 1820. Since the Hudson's Bay Company 'and the Northwest have united, the furs are mostly 'exported from Hudson's Bay; in future nearly the 'whole will go from that place. The furs cannot 'be calculated at less, from both places, than two 'millions of dollars annually."

How valuable, then, must that trade be, which can export to the amount of two millions of dollars, after supplying all the demands at home, which, from the habits of the people and the length and severity of their Winters, we must suppose to be very great!

There is, in contemplating this trade, something to encourage us, but much to humble our boasted spirit of enterprise. We have no exports from these rivers worth recurring to, and the supply is but small in amount for home consumption. Whilst we might trade through long, deep rivers without interruption or difficulty, from St. Louis to the mouth of Oregon, or Columbia, the British take their goods with difficulty through more than sixty lakes, and numerous rivers. Their means of transportation are bark canoes: the rivers through which they pass are interrupted in at least a hundred places by falls and rapids, and over one hundred and thirty places the trader has to carry both his canoe and cargo on his back. Moreover, it is three years before their complete circle of trade can be made: whereas, in the United States, the results occur from the May of one year until the September of the year following. Yet do we wonder at their wealth, and pause at fancied difficulties. This is the trade I would turn to the Oregon, and from the mouth of that river make the shipments, and return with the rich exchange to our Atlantic cities, and save much of the gold and silver which is now sinking in Asia—according to the opinion of some, never to return.

I think, Mr. Chairman, I shall presently be able to show that, were this trade cherished, and pursued in connexion with our whale fisheries, we could purchase the whole supplies of the United States, in the Canton market, without carrying one dollar out of the country. Other benefits would be gained as important to the Republic as the trade itself. This would become the school in which to bring up our seamen; and every voyage would add many to the list of sailors, ready, in war, to defend the rights of the nation: a single voyage into those seas would be sufficient to make them seamen; and, in any future emergency, they would support the well-earned character of the Navy. It was these hardy sons of the sea, who had been nursed in the fisheries and the whale trade, who first, during the late war, shed a blaze of glory over the arms of this nation, and taught the British lion to crouch to the banners of the Republic.

The principal part of the whale ships are owned in New Bedford and Nantucket; and in point of real value, is second alone to the fur trade. Here there is some capital vested in the purchase of a ship, which is often from three to five hundred tons burden, and of the best workmanship; the active capital is the labor of the hands in taking the whale, with the profit they make on articles of hardware, which is taken on board to trade with the Indians on our western coast; the return is great, and ought to be considered created rather than the gain of commerce.

Formerly, the finest whales were taken on the coast of South America; but now, the fishing ground is off the Columbia river. At that point, and northward, is likewise the place most resorted to for taking the sea otter, which is here most abundant, and of the finest kind. These enterprising seamen observed, with the eyes of a lynx,

all the avenues to gain, and have found a profit in cutting timber on the Columbia river, and shipping it to Chili and Peru. This trade, at no distant day, is destined to employ many individuals, and to contribute largely to the wealth of the Territory of Oregon.

In order to give as short and hasty a sketch of the whale trade as possible, as it has been pursued for some years on that coast, I will only recur to the voyages made in the years 1819 and 1820: the lateness of the hour will induce me to be brief.

From New Bedford there sailed this year fifteen ships, seven brigs, and one sloop; they numbered five thousand one hundred and eighty-four tons, and were navigated by four hundred and sixteen seamen. One cargo of sperm oil, in this year, amounted to two thousand three hundred and sixty-four barrels; whale oil was also brought in to the amount of one thousand seventy-two barrels, sperm seven hundred and thirty-three, in another.

From Nantucket, there went out this year, seventy-five ships, amounting to eighteen thousand seven hundred and sixty-five tons, navigated by one thousand three hundred and fifteen seamen; seven brigs, amounting to nine hundred and eighty-nine tons, having on board one hundred and three seamen; two schooners, measuring one hundred and seventy-two tons, with twenty-eight seamen; and one sloop, of eighty-two tons, with fourteen seamen;—making eighty-five vessels, twenty thousand two hundred and twenty-six tons, and one thousand four hundred and sixty seamen. Other vessels, I am informed, have every year been added to the number of those engaged in that trade. One brig and five ships, the year following, followed to the Pacific, navigated by one hundred and fourteen seamen; and we sometimes find a vessel out in this trade three years, before she returns. Why is it not cherished? What can be better calculated to produce seamen?

From a memorandum which I hold in my hand, presented to me by a member of the last Congress, it appears that Nantucket is believed to be interested in this trade, to the amount of four millions of dollars; and New Bedford two millions of dollars. This trade, it will be remembered, employs more tonnage, and a much greater number of seamen, than the Canton trade, which has been so prized by the rich merchant.

I will now, Mr. Chairman, take some notice of the China market, where we procure many of our supplies. It has been severely remarked upon, throughout the country, more particularly by those engaged in the European trade, and even in this House, no very favorable impressions of it, at one time, existed. But, from aught I can see, it is a trade rather to be cherished than deprecated; and if it has not yielded us all we wanted, it has been owing to the manner in which we ourselves have carried it on. I hope the House will indulge me a short time, that I may take some notice of the document furnished by the agent of the United States, at Canton, to this Government; it is official.

It appears from this paper, that the trade of China has fluctuated very considerably, from the season of 1804–'5, to the present time, owing, no doubt, to the various causes which have influenced this Government during that period. In the course of that year, there were thirty-four vessels, which made up the sum of 10,159 tons; they carried, in specie, $2,902,000, yet the total amount of value that year entered in Canton, was $5,555,818; the whole of which, exclusive of the specie, and excepting also $1,080 in ginseng, was furs, seal skins, ebony and sandal wood, making their value amount to $2,653,638. In the season 1805–'6, the result is different—forty-two vessels entered that year, making the number of tons 12,480, carrying $4,176,000. The total value of the trade was, that year, $5,326,358, which was produced by the furs, seal skins, sandal wood, and ebony; making the amount $1,176,358; but in this must be reckoned 1,334 peculs of ginseng, 102 of opium, 48 of quicksilver, 140 of lead, 346 of iron, and 600 of copper. There were that year sent 17,445 sea-otter skins, and 140,297 seal skins. In the season of 1806–'7, there were entered at that port, thirty-seven vessels, making 11,268 tons. They had on board $2,895,000. The total value of trade that year, was $3,877,362; of which, there was about the same proportion of ginseng, quicksilver, iron, lead, &c., that there was the season before; but this year 14,251 sea-otter skins and 261,330 seal skins; this would make the furs, seal, &c., amount, this year, to $981,362. I will skip over some of these years, and present to the House a few of those most worthy of notice. Here is the return for the season of 1808–'9; this year, as our difficulties in Europe increased, our trade declined, though the result is worthy to be remarked. There were but eight vessels entered at Canton, numbering 2,215 tons, carrying $70,000; the total amount of trade that year was $479,850; the amount this year, over the $70,000, was $409,850. This amount was produced by 7,944 sea-otter skins, 34,000 seal, 3,400 land otter, 5,170 beaver, 480 peculs of ebony, 2,050 of cotton, and 4,800 peculs of sandal wood.

The season of 1811–'12 gives this result: $1,875,000 in specie, sent to that market; the total amount of the trade was $3,132,810; consequently the $1,257,810 was made up of furs, seal skins and sandal wood, with the exception of 1557 peculs of ginseng, 200 of opium, 29 of quicksilver, 5,814 of iron, and 2,798 of copper.

In the season of 1812–'13 there was taken to Canton $616,000, and the total amount of trade that season was $1,453,000, made up of furs, seal skins, and sandal wood, with the exception likewise, of 250 peculs of ginseng, 100 of opium, and 5,629 of copper.

During the whole of the years 1813–'14, and 1814–'15, there was not one dollar sent to China—there was, with the exception of 430 peculs of ginseng, nothing sent but furs, sea-otter, seals, land otters, fox, beaver, and sandal wood, these were taken in the forest, or hewn down with the axe in the Sandwich Islands, yet the amount is $451,500.

The season of 1815–'16 is favorable. That of 1816–'17 gives $5,609,600, as the total amount of trade, though there was of this $4,545,000 in specie.

The season of 1817–'18 gives 39 vessels, 14,325 tons, $5,601,000 in specie; the total amount of trade that year was $7,070,228, making $2,675,828 in furs, sandal wood, &c., with 1,601 peculs of ginseng, 448 of opium, 105 of steel, lead, quicksilver, iron, copper, nearly in the same proportions.

The estimate of our trade, for the season of 1818–'19, states the amount in specie to be $7,414,000, and the total amount $10,217,151, of which sum, the sandal wood forms an item of $91,368, sea-otter tails $10,136, beaver skins $70,065, seal $100,300, sea-otter $124,068, besides all other furs, &c., with ginseng, lead, opium, &c., which forms this season large items in the imports.

In the season 1820–'21, there was taken to Canton $2,995,000, though the total value of the trade that year is $5,392,795; sandal wood this year amounted to $67,133; sea-otter skins to $176,548; land otter to $44,550; beaver $68,000, and sea-otter tails, to $14,422; seals $22,078, &c., &c.

Having, sir, exhibited this view of the subject to the House, I will now trespass upon their time for a moment, to present one other point in this trade, which will place the whole subject in such a light, that I hope it will be easily understood. We have been constantly in the habit of exclaiming against the Canton trade, as ruinous to us, as draining the country of its specie, without once referring to the indirect trade, by which many of the dollars here exhibited have been taken from Europe, and the Mediterranean. During the season of 1818–'19, there arrived at Canton from the United States, forty-six vessels, amounting to 16,022 tons, with 934 seamen. From Boston there cleared that season thirteen vessels—four touched at Europe, five at South America and the Northwest coast, four went direct, employing 260 seamen. From Salem three cleared, two touched at South America and the Northwest coast, one direct—69 seamen. From New York, seven vessels cleared, two touched at Europe, one at South America, and the Pacific, four direct—140 seamen. From Providence, six vessels cleared, five touched at Europe, and one at South America and the Pacific—132 seamen. From Philadelphia, there cleared eleven vessels, two by Europe or the Mediterranean, one at South America and the Pacific, eight direct—199 seamen. From Baltimore, two vessels cleared, one by Europe or the Mediterranean, one direct—with 47 seamen. Amsterdam, three vessels, two touched at the Mediterranean, one by South America and the Pacific—57 seamen. One vessel purchased at Whomford, with 30 seamen.

In the season of 1819–20, there arrived at Canton forty-three vessels, making 15,139 tons, navigated by 829 seamen. Eleven cleared at Boston; one touched at Europe, one at South America, one at the mouth of the Oregon, or Columbia, one at the Sandwich Isles, one at Batavia, and six direct, navigated by 208 seamen. From Salem, two vessels cleared; one touched at Europe, one at Manilla, with 33 seamen. From New York, nine vessels cleared; two touched at Europe, one in the Pacific, six direct—193 seamen. From Providence, there cleared six vessels; two touched at Europe, three in the Pacific, two direct—93 seamen. From Philadelphia, there cleared ten vessels; four touched at Europe, one in the Pacific, and five direct—navigated by 195 seamen. From Marblehead, there cleared one vessel; touched at Manilla—navigated by 20 seamen. From Newburyport, one vessel, touched at Batavia—15 seamen. From Rotterdam, by Portsmouth, having 24 seamen. Valparaiso, one direct—28 seamen. South America, one touched at the Sandwich Isles—20 seamen.

During the season of 1820–21, there arrived at Canton twenty-eight American vessels, amounting to 9,387 tons, conveying $2,995,000. From Boston, six cleared, one touched at Europe, one at South America, and four at Columbia river and the Pacific. From New York, four cleared, one touched at Java, three direct. From Salem, two cleared, touched at Sumatra. From Providence, six cleared; four touched at Europe or Java, two direct. From London, four cleared, direct. From Liverpool, two, touched at Sumatra. From Philadelphia, three direct. From Gibraltar, one; touched at Sumatra.

Such, Mr. Chairman, is the aspect of our Canton trade, and in all instances of a vessel's taking any other course than the direct route, it has been for the purpose of exchanging the commodities of our own country for silver, either in Europe or in South America, or by obtaining the furs of the Northwest Coast, the sandal wood of the Pacific, for the products of the United States; thence to Canton, and return with the richest cargoes. In this way much of the silver which is entered at Canton is obtained, and has at first view the appearance of having been taken from the United States. In the seasons, for instance, of 1819 and 1820, the schooner Flying Fish, of 285 tons, Fitch, master, belonging to a company of merchants, cleared from South America, touched at the Sandwich Isles, probably for sandal wood, carried specie to the amount of $100,000. The schooner Packet, Hill, master, 281 tons, cleared from Valparaiso, Thorndike, owner, went direct with $140,000. During the season of 1820 and 1821, of which I have just now spoken, it will be observed that four vessels cleared from London and two from Liverpool. From London, the Robert Edward, Sherburn, master, went direct to Canton with $107,000 on board. The ship Canton Packet, King, master, owned by Perkins, cleared from London with $200,000. The ship Honqua, Nash, master, owned by Perkins, cleared from London, direct, with $50,000. Ship Augusta, Giles, master, owned by Perkins, cleared from London, with steel, cotton, furs, &c. From Liverpool the ship Columbian cleared this season, Sherman, master, owned by Evans, and sailed direct to Canton with $60,000. Ship Addison, from Liverpool, took no specie. This at least we know, that $317,000

went this season from London and Liverpool, and how much else, by our vessels touching for the purpose spoken of, at different ports in Europe, the islands, &c., is not known, but it is presumed to a considerable amount.

Besides this, it does appear that much of the profit of this trade is gained by our merchants in carrying the products of Canton to Europe, and vending them there, and either returning home with the manufactures of Europe suited to our wants, or bringing with them the specie—hence the drain of specie is from Europe in proportion to the goods shipped from Canton for that country. If the House will indulge me a little longer, I will show the proportions shipped to the United States and to Europe, by our traders. In the seasons of 1815, and 1816, there was destined for Europe 2,731,010, lbs. of tea, 1,650 peculs of cassia, and 185,000 pieces of Nankeens. The proportion destined for the United States, was 4,514,280 lbs. of tea, 1,695 peculs of cassia, and 455,000 pieces of Nankeens. The proportion of exports for the season of 1816, and 1817, destined for Europe, was 2,880,000 lbs. of tea, 172,533 lbs. of cassia, 600,000 lbs. of sugar, and 360,000 pieces of Nankeens. The proportion destined for the United States was 6,074,100 lbs. of tea, 660,000 lbs. of cassia, 333,000 lbs. of sugar, 1,434,000 pieces of Nankeens. The proportion of exports destined for Europe in the season of 1817, and 1818, was 2,086,245 pounds of tea, 73,300 lbs. cassia, 160,000 lbs. sugar, 46,600 lbs. sugar candy, 10,600 lbs. rhubarb, 66,000 lbs. gallingal, 22,600 lbs. raw silk, 6,600 lbs. vermillion, 650 pieces of silks, 241,000 pieces of Nankeens, 2,600 lbs. of gamboge. That destined for the United States, was 7,535,885 lbs. of tea, China ware, 11,487 peculs, 272,933 lbs. of cassia, 1,428,-933 lbs. sugar, 37,200 lbs. rhubarb, 1,603 peculs of mats, 200,886 pieces of silks, 76,800 lbs. sewing silks, 37,600 lbs. vermillion, 14,000 lbs. gallingal, 6,933 lbs. China root, 1,333 lbs. camphor, 33,000 lbs. of sugar candy, 1,228,000 pieces of Nankeens.

It should be borne in mind that this season the value of all the China ware exported by American vessels, is estimated at $172,305; and all the sandal wood sold this year in China, taken from the Sandwich Islands principally, is estimated at $174,-075. All the imperial tea exported this season by American vessels from China, is estimated at $316,152. And the sea otter skins, land otter, beaver, and seal skins, alone, imported this season, are estimated at $318,580.

During the season of 1820, and 1821, there was exported from China for the United States, China ware to the amount of $138,266. There were imported that year by our vessels, sea otter skins, valued at $176,548: Thus may it be seen that the whole of the China ware of the United States is purchased by that which we fish from the sea on our western coast, at or near the mouth of Columbia, or it is cut from the Sandwich Islands in the shape of sandal wood.

I will not fatigue the House with any thing more relative to our trade in the Pacific ocean and at Canton. Enough has been unfolded to call the attention of gentlemen to that subject; their own reflections will supply more than I could say. Were this trade cherished as it ought to be, new benefits would every day develop themselves, and fresh sources of wealth be opened to the Republic. Our whale ships are annually on that coast with no other cargo than some hardware, and ornaments, to traffic with the natives. Perhaps the greatest value on board their vessels would not amount to more than two thousand dollars; the rest is made up by their labor, in fishing it from the ocean. Yet we witness their return every year, enriched by the products of their voyages. The best fishing ground is known to be on our Western coast, and our commerce in those seas, every day increasing, it is now so important as to require a ship-of-the-line, and smaller vessels, to protect it; and we have reason to believe, that three ships of war will soon be wanted for that purpose. Nor have we a place to refit our ships, on that side the continent, or to even drive a nail in one of our vessels, should it be wanted, though we have many excellent harbors. For any accommodation of that kind, we must be obliged to the good dispositions of other nations, or sail back to our own ports on the Atlantic, near twenty thousand miles round Cape Horn. The catastrophe on that side, during the late war, ought to have taught us wisdom. While our ships cut up and destroyed the enemy in that sea, there was no place to rest secure, with the vessels they captured, or we would not have witnessed the destruction of so many which have been taken. Neither should we have felt the effect of that terrible scene at Valparaiso. The coast on that side can be more easily defended than any in America; the entrance of Oregon, or Columbia, is easy, affording seventeen fathom water; the whole extent of the river, below the Falls, is deep, placid, and, near its mouth, there are points which altogether command the entrance, with perpendicular rocks on either side, where forts may be constructed so strong as to bid defiance to all the military science of the world.

On a former occasion, Mr. Chairman, a gentleman on the other side of the House, expressed some surprise, that I should be in favor of reducing the Army, when I had a proposition to occupy the mouth of the Columbia. This, sir, was the reason. I am thoroughly persuaded, that the post at the Council Bluffs is not wisely chosen, and that the troops now at that point, would render more service to the country at the mouth of Columbia, than where they are: they are too far to protect the white population of Missouri, and not far enough either to check the British trader, or render any other service. One of the principal crossing places of the Indians is some distance below that post, the other far above. But, if I were to suggest a plan to awe the Indian and keep him at peace, it would be, to show him your troops occasionally, penetrate into his country, and let him witness their display; then return; prove to him by this conduct that you have no disposition to take his country, and he will respect and fear you. The Indian is the proudest man that has ever lived, and loves his country as ardently as man can.

Three hundred years of war has proved to the white man that he can be killed, but never subdued; war is the road to fame with him; the warrior is the proudest title he can prize, the only one of value; wherefore, the moment your soldiers lay off their military dress, and appear in their fatigue clothes, and commence their labors, that instant, all respect, all apprehension is banished from his mind, and is succeeded by ineffable contempt and disgust; for they, like the nobility of every country, hold labor as disgraceful.

The route to the mouth of the Columbia is easy, safe, and expeditious. We all recollect, distinctly, the delays, dangers, and difficulties, which attended the merchant, on his first opening the trade to Kentucky; in those days, much preparation was necessary, and from thirty to thirty-five days were exhausted in getting to market; his goods were then transported to Fort Pitt, or Wheeling, by wagon, creeping on with appalling slowness; if there was a freshet in the Ohio he arrived in the season, but sorrow and ruin attended him, if his goods did not arrive in time for this advantage; his Spring supplies arrived in the Fall, and his Fall goods detained sometimes until the Spring. Even now, an intelligent friend from Tennessee, who usally sits on the other side of the House, tells me, that the merchants of Nashville take their wagoners' receipts, to deliver their goods at that place in from 30 to 50 days. From Louisville, in Kentucky, down to New Orleans, formerly required a voyage of from 30 to 40 days, and using, on the voyage up the river, what they called a barge, it required them 90 days to make the trip, in what they called good time; the distance is estimated, I believe, at 1500 miles. Now, however, by steamboat navigation, they make the voyage down, in seven days, and up in sixteen days. This, I believe is the average voyage, between those places; if I am in error, I can be corrected, as I see in the House some of the steamboat owners on those rivers.

Now, Mr. Chairman, we cannot be mistaken, when we apply the same calculations to the route to the mouth of the Oregon; as steamboat navigation we all know to be safe and sure. Wherefore, it will take a steamboat 24 days to arrive at the falls of the Missouri; thence, I allow a wagon 14 days to travel two hundred miles, to the mouth of Clark's river, thence 7 days to the mouth of Oregon; making the time necessary for that trip 44 days. To return, the boat would reach Clark's river in 14 days, double the time she would go down; the wagon would return to the falls of Missouri in 13 days; thence the boat would arrive at St. Louis, in half the time necessary for her upward voyage, which would be 12 days; making the whole time 39 days.

If there were any doubt existing in the mind of any gentlemen, surely it might be done away, when we recur to the fact of a wagon having already passed from St. Louis to Santa Fe, and returned in the course of the last Summer, bringing with it, the sum of ten thousand dollars, as the profit of the trip; this information I get through the medium of the newspapers, alike known to all, and the fact, I believe, has never been doubted; another party returned from the direction of the Rocky Mountains, with a profit of fourteen thousand dollars, making twenty-four thousand dollars, where none existed before, and making that easy, which, but a short time ago, was thought an impossibility.

I am apprized that something is said relative to the probability of the settlement of the Oregon, contemplated by this bill, producing, in the end, bad consequences to this country, if not, finally, a separation of these States. The great distance has also been urged as a reason for its rejection. Sir, I would look with as much fear upon a measure which might, even at a remote day, produce a separation of these Republics, as any man; but no result can take place of that kind; all contemplate with joy the period when these States shall extend to the Rocky Mountains. Why not, then, to the Pacific ocean? Would that country, cut off from this, be benefited by the change, pressed, as it would be, by two powerful foreign nations, both to the North and to the South? Rather would not that prevent so fatal a step, as it would be to Oregon? Or, if we consulted our own interests, and believed the separation inevitable, would it not be wisdom in us, to have a people there who were descended from us, speaking the same language, admiring and maintaining the same laws, Constitution, and Government, than to have English, Russians, or French, with all their disgusting notion of monarchy, which degrades the noblest intellect, and makes the man a slave? You cannot choose—you must have your children's enemies, the occupants of Oregon. As to distance, I have shown that, in point of time, the mouth of Oregon, or Columbia, is not further distant than Louisville was thirty years ago, from New York, or St. Louis was twenty years ago from Philadelphia. The whole expense of carrying one hundred and fifty tons of cannon to the mouth of that river, and making a survey of all our harbors on that coast, is estimated by the Secretary of the Department of the Navy, at $25,000, a sum small, indeed, to accomplish an object of such importance to the Republic. On that side there can be no fear of those collisions which we are constantly in danger of from the constantly varying policy of Europe. On the east of the Atlantic ocean there is continual strife, and their Governments appear to be administered according to the angry passions of the man, rather than according to the spirit of the laws, which have no passion. On the west side of the Pacific there is peace, and an uninterrupted calm, which not even English policy can disturb. All the supplies which man can want are there to be had in plenty, purchased by us with the products of the forest and the sea, which require no labor, no skill of the artizan to give them value. Is it not worthy the consideration of the statesman and the merchants, whether our citizens might not lay Europe under contribution, by increasing the fur trade through these rivers? This, with the products of that sea, would purchase in Canton all we want to consume; the residue might be sold in Europe, which

would at once employ many tons of shipping, and bring us the money of that country which now they send to China. In other words, the occupation of the Oregon would offer so many facilities to the Canton trade, where a voyage can be performed in fifty or seventy days, the products of the sea and forest so vast, the copper of the North so pure and abundant, the sandal wood immediately on the route to market, that the wealth of those regions, and that trade, seem to implore you only to stretch forth your hands and receive it.

This would soon drive the English out of market, as their East India privileges benefit them merely because it prevents other of their subjects from getting rich; it could not reach us, or affect our trade. Young as our commerce is, and unfriended as it has been, its total value, as shown by this paper, was, in the season of 1817–18, $7,076,828; whilst that of the English, for the same year, was $16,126,700—but a sorry account of their charters and institutions, pampered to suffocation. In the season of 1818–19, I have shown, by this document, the total value of our trade to have been $10,217,151, whilst that year, the same paper shows the English trade to have been nearly stationary, amounting to $16,297,922.

One other advantage presents itself to us, by occupying the Oregon, as proposed by this bill, and I speak of it with the more satisfaction, as it concerns the plough, which is, at last, the great benefactor of mankind. The lands of the Oregon are well adapted to the culture of wheat, rye, corn, barley, and every species of grain; that position will enable them to sell their surplus produce with certainty, and purchase the manufactures of China, by an exchange of labor. I know it is the common belief that the Chinese will not take anything but silver, gold, and a few articles prized by them; but, from all I can learn, this would seem to be a common error, produced by the circumstance of the impracticability of taking flour or breadstuffs to that market. From Europe or the United States, there would be no hope of their arriving in any tolerable condition; the climate is so warm, the voyage so long, that they must spoil on the way. Besides, the merchant would not risk a voyage with such bulky, heavy, low-priced articles; consequently, the commerce of Canton is carried on in all the richer productions, as they yield a profit commensurate with the expense, length of voyage, and great delay in prosecuting it. Many, likewise, of the neighboring countries, carry on trade in the richer products of the soil, as cotton, sugar, coffee, &c., wherefore, there is little surplus breadstuffs to dispose of. This, then, would operate almost as an exclusive privilege to the farmers of Oregon, to supply their wants on that side; and, by so doing, obtain for themselves the comforts which all mankind are in search of.

When Mr. F. concluded, the Committee rose, reported progress, and obtained leave to sit again.

WEDNESDAY, December 18.

Mr. ROCHESTER presented a petition of sundry inhabitants of the counties of Ontario, Seneca, and Cayuga, in the State of New York, praying for the erection of a lighthouse at or near the entrance of Great Sodus Bay, on Lake Ontario.—Referred to the Committee of Commerce.

Mr. KENT presented a petition of Daniel Carroll, of Duddington, and others, of the city of Washington, praying that certain repairs may be made to the buildings lately occupied by Congress on the Capitol Hill.—Referred to the Committee of Claims.

Mr. McCOY, from the Committee of Claims, made a report on the petition of William F. Nimmo, accompanied by a bill for the relief of the heirs of the said Nimmo; which bill was read twice, and committed to a Committee of the Whole.

Mr. KENT, from the Committee for the District of Columbia, reported the following bill:

Be it enacted, &c., That so much of the third section of an act of the General Assembly of the State of Maryland, entitled "An act for an addition to Georgetown, in Montgomery county," as prohibits the proprietors of lots fronting on the north side of Water street, from setting or erecting buildings on the south side of said street, or on wharves made on the south side of the aforesaid street, be and the same is hereby repealed: *Provided*, That the proprietors aforesaid shall not have power to erect any building or buildings, on the south side of said street, not authorized by an ordinance of the Corporation of Georgetown: *And provided, also*, That, after being thus authorized by said corporation, the proprietors aforesaid may sell and dispose of their property on either side of the said street, without affecting the title to that on the other side, as effectually as they could have done before the passage of the aforesaid act of Maryland.

This bill was ordered to be engrossed and read a third time to-morrow.

Mr. COOK, from the committee appointed on the 10th instant on the subject of the public lands within the States of Indiana, Illinois, and Missouri, reported in part a bill to authorize the laying out and opening of a road from Wheeling, in Virginia, to the seat of government in Missouri; which was read twice, and committed to a Committee of the Whole.

On motion of Mr. HARDIN, a committee was appointed to inquire what further retrenchment can be made in the expenditures of the Government, without detriment to the public service; and Messrs. HARDIN, WHIPPLE, TRACY, HOLCOMBE, ROSS, WILLIAMS, of North Carolina, and WILLIAM SMITH, were appointed the said committee.

Mr. JOHNSTON, of Louisiana, submitted the following resolution:

Resolved, That the Secretary of State be requested to lay before the House so much of the letter of Mr. Prevost as relates to the establishment at the mouth of the Columbia river, and such information as he may have in his possession in relation to the arrangements made about the year 1814, by the Northwest Company, with the proprietors of a settlement made by citizens of the United States at the mouth of the Columbia river, by which that company became possessed of that settlement.

The resolution was ordered to lie on the table one day.

On motion of Mr. Cocke, a committee was appointed to inquire what number of public lots, in the city of Washington, have been sold by the agents of the United States; when sold, by whom, to whom, and for what price; what part of the purchase money has been paid, the amount due, and when payable; whether the debts are well secured; whether the money received has been applied to objects authorized by any existing law; how much thereof has been paid into the Treasury; when, and by whom paid; and what disposition has been made of all the money arising from the sales of said lots; and that the said committee have power to call for persons and papers; and Messrs. Cocke, Woodcock, Warfield, Floyd, and Lincoln, were appointed the said committee.

Mr. Metcalfe submitted the following resolution:

Resolved, That the President of the United States be requested to communicate to this House what progress has been made in the execution of an act of the last session, entitled "An act to abolish the Indian Trading Establishments," with a report from the factories, respectively, as the same may be made to him.

The resolution was ordered to lie on the table one day.

Mr. Walworth submitted the following resolution, viz:

Resolved, That the President of the United States be requested to cause to be laid before this House, the several laws which have been made by the Governor and Legislative Council of Florida; together with such information relative thereto as may be in possession of the Executive, not improper to be communicated, showing the necessity, propriety, and practical effect, of such laws.

The resolution was ordered to lie on the table one day.

On motion of Mr. Gilmer, the Committee of the whole House to which is committed the joint resolutions for carrying into effect certain articles of agreement entered into between the United States and the State of Georgia, were discharged from the further consideration thereof, and the said resolutions were committed to the Committee of the whole House on the state of the Union.

OCCUPATION OF COLUMBIA RIVER.

The House then, according to the order of the day, again resolved itself into a Committee of the Whole on the bill to authorize the occupation of the mouth of the Columbia river.

No debate or proposition being offered thereon, the Committee rose and reported the bill to the House with the amendments.

The amendments were severally taken up and agreed to by the House; and the bill being further amended,

Mr. Wright addressed the Chair as follows:

Mr. Speaker, I had hoped, from the ardent and luminous remarks of the Hon. Mr. Floyd, of Virginia, who reported this bill, and from its vast importance to the enterprising navigating interests of the United States, frequenting the Pacific ocean, to whom this establishment must be all-important, that this measure would have received the warm support of this House; but, sir, the seeming apathy that I have thought I discovered, has alarmed my fears for its fate, and induced me to trespass on the time of the House, at least to elicit a discussion, whereby the subject may be perfectly understood, and the passage of the bill thereby secured. Sir, this territory has been fairly purchased from France by the United States, and its limits recently and distinctly marked by our late treaty with Spain. By the compact by which we acquired this territory, the inhabitants of it were, by its letter, secured in the protection of their legitimate rights, and, becoming thereby a portion of these United States, were entitled to the benefits of our Constitution: Protection and allegiance are reciprocal obligations. Every territory is, by the Constitution, entitled to, and has been proteeted by, a territorial government, progressing with its population, in the progressive grades of territorial governments to which it will be found this territory is, both by the letter and spirit of the compact, clearly entitled. I felt it necessary to make these remarks to awaken the attention of the House, to the Constitutional claims of the people, who, with the Senate, form their legislative organ, to give practical operation to such measures as are necessary to the lawful government of the inhabitants of that region, who have no means of recovering the smallest debt, but by physical force. Sir, the indissoluble ties of the Constitution, I cannot doubt, will be duly regarded; the interest of this nation, particularly of the Northeast, I had presumed, would have bound the Representatives from that quarter to its firm and united support; particularly on examination of the very interesting documents presented by the chairman that reported that bill. The fur trade, even in its incipient stages, appears to be of great value. We know that the great Creator has, in his providence, graduated the habits of the fur-clad tribes, by the climate, and the further North they are found, the better the furs. The fisheries in the Southern ocean, are, also, even in their first stages, shown to be of great value; and who can cast his eye upon the map, and not pronounce the proposed establishment to be of great advantage to the Americans trading in the furs and fish of the Pacific ocean? And who that has any regard to our hardy American seamen, who have so often covered this nation with glory, will deny them this facility, whose enterprises in the acquisition of coffee, under the restrictions of St. Domingo, elicited the rough compliment of the then sable Prince Regent of that Government. Sir, not long since, one of our ships in the whale fishery was destroyed by the stroke of a whale, and the crew compelled to take to their boats for safety. What a convenience would such an establishment have been to them! what relief would it have ministered to their awful bodings! But, sir, independent of the advantage to the citizens engaged in this trade, I have no doubt a custom-house there would, in a little time, repay all the expense of this establishment in a ten-fold ratio, and form the

best means of exploring the character of the people, the soil, and climate of that region, now little known to us, and thus learning what may be of great importance to us. In 1795, Great Britain prohibited the importation of cotton from the United States—*now* so important to her. Sir, such has been the enterprise of this Republic since its establishment, and such its success, especially in canals, and such the spirit of improvement elicited by our example, that I am surprised that the union of the Atlantic with the Pacific, at the Isthmus of Darien, has not yet been undertaken. But, sir, its vast importance to the world cannot long permit it to be neglected. The stock in that canal would be of great value, and suggests the pleasing anticipations of its completion. The preposterous claim of Russia to the vicinage of the river Columbia, speaks loudly the value of the trade in that region, which, united with the evidence in possession of this House, I hope will induce them to pass this bill, and thereby protect and govern our people there by law, and not leave them to the government of savages, in violation of that compact that made them American citizens.

Mr. BAYLIES, of Massachusetts, said that, as one of the committee who had reported the bill, he felt himself impelled, by a sense of duty, to present to the House some views which he had taken of this subject. All the objections to the provisions of the bill which he had heard, he had heard out of the House; and he had indulged himself in the hope (as no serious opposition had been manifested in the Committee of the Whole) that the luminous view which had been taken of this subject by the chairman of the committee (Mr. FLOYD) would have induced its adoption without further discussion.

Of the objections which he had heard, he would, however, say that some were weighty, and all were plausible. The objects which the bill contemplated were of much importance to a portion of the country which he represented, and its vicinity, from which there is the most extensive whale fishery in the world, and that he was induced to believe that the state of that fishery was now such as to require a port on the shores of the Pacific ocean, or on the waters connected with that ocean.

The expense of the territorial establishment contemplated by the bill had been urged as an argument against it. He admitted that the measure would be attended with some expense, and that, for some years, the prospect of revenue, from a settlement so remote, would be but small; but the utility of this undertaking ought not to be measured by its expense. Measures, creating more expense, have frequently been adopted by this nation, whose utility was far more questionable than this. If there is one branch of the mercantile industry of the country which deserves encouragement more than another, it is the whale fishery. It is an employment of a peculiar character; it creates its own capital. It does not come upon the country for specie, to purchase the cotton and woollen manufactured goods, the wines, the brandies, and the silks, of Europe. Its capital is created by labor; it is dragged up from the bottom of the ocean; it has now become a business of national importance. With a view to elicit some information on this subject, he had addressed some inquiries to Mr. Hawes, the Collector of the Customs at New Bedford, a gentleman of great respectability, whose knowledge was practical, who had visited the seas where whales are taken, and whose peculiar information would entitle his statements to much consideration.

Here Mr. B. read the communications, which were in substance as follows:—The first letter which Mr. Hawes had addressed to him was dated January 5, 1822. In this letter he stated that sixty-five vessels were employed in the whale fishery, from the port of New Bedford, tonnaging 16,222, navigated by 1,350 men and boys; that thirty-six of the largest of these vessels were employed in fishing for spermaceti whales in the Pacific ocean, tonnaging 9,942, and navigated by about 800 men; that, since the late war, the greater number of the whaling ships of New Bedford had been employed on the coast of Patagonia and the adjacent waters, in fishing for right whales; but oil of that description having fallen in price within the last two years, many vessels had been taken from that fishery, and had been despatched to the Pacific, to fish for spermaceti whales, as the oil made from them had fully sustained its prices. From the Pacific it was spermaceti oil which had been obtained principally, and not more than seven or eight hundred of the black oil. The black whale oil was taken on the coast of Chili, in the bays and harbors. He estimated all the oil and bone brought from the Pacific to the port of New Bedford, since the late war, at $1,713,600—to January 1, 1822. The number of the ships in the fishery to the west of Cape Horn had increased, and would increase; that the sperm oil was now manufactured before it was carried to market; and the manufacturing of it was considered very profitable. Mr. Hawes estimated the annual value of the whale fishery to New Bedford, in the Pacific alone, at $500,000, exclusive of the profits arising from the manufacturing of spermaceti candles. The capital he estimated at $850,000. The bills of some of the ships employed in the Pacific ocean were as high as $32,000 or $33,000. Spermaceti oil was generally from 80 to 100 cents; sea elephant, from 45 to 50, and right whale or black oil, from 30 to 35 cents per gallon. The price of the sperm oil he had estimated as it was when in its crude state; after pressing, it would average one dollar per gallon. The ships employed in the whale fishery from Nantucket, since the last war, according to the estimate of Mr. Hawes, considerably exceeded those of New Bedford; and all the Nantucket ships, except one, were in the Pacific ocean. He estimated the annual value of the fisheries in the Pacific ocean, to Nantucket and New Bedford alone, at $1,500,000, and the oil and bone which had been brought to both places, since the last war, exceeded $6,000,000; and that the number of seamen employed was 2,500. He also stated that there were three fine ships from Martha's

Vineyard, employed in this fishery. He, also, stated that sea elephants and cod had been found in abundance on the coast of California.

In answer to one of the queries of Mr. B., respecting the number of mechanics to whom this business gave employment, Mr. Hawes said, that he did not know that he should overrate, if he said that it gave employment to all the mechanics of both places. And he expressed his conviction that he had not in his estimates of the value of this fishery, exceeded the truth. He also stated that the whale fishery in the South Pacific was failing; and that, in future, they must look to the North Pacific for successful fishing, where there were spermaceti whales, right whales, and sea elephants, in great abundance. He concludes his letter thus:

"A settlement at the Columbia river, if properly conducted, would insure to our nation an immense source of wealth. A company of traders and navigators, there settled, might have small vessels of from 100 to 150 tons; with these vessels at home, they could explore the coast, and each fishery could be pursued in its proper season. The right whales come into the harbors and bays on that coast to bring forth their young; at that season they will make the most oil. The sea elephants are there found in abundance: I have no doubt seal skins can be obtained in plenty in their season; this I am certain of, if we are permitted as far north as the Fox Islands, latitude °52 53′ north, if we have proper vessels for taking them. The seals are nearly all destroyed in the South Pacific, where the weather is warm and mild; large ships could send there open boats, and take them; but to the north the business cannot be carried on in the same manner. There must be small vessels to search out the harbors. Seal oil is an important article, if taken near a settlement; to save this oil in its purity it must be handed and put into vats; like other blubber, it must not be boiled. Great quantities of different oils might be procured by the settlers, in their neighborhood, and preserved in the ground; it is the best way to preserve oil, and saves the expense of casks; it would be an object for our merchant vessels to take their cargoes from the tanks of the settlement. The fisheries in the South Pacific are failing: it is from the North we must look for good voyages; this will lengthen voyages already too long. It is my opinion that a settlement on the Northwest will greatly increase our fisheries, our commerce, our seamen, and the revenue; and, if I was twenty years younger, I should like to be one of the first settlers."

Mr. B. then produced another letter from this gentleman, of a subsequent date, from which he read the following extract: "Since my last I have 'learned, from a very intelligent shipmaster who 'has recently arrived from Valparaiso, that a 'vessel loaded with spars from Columbia river 'had arrived there, and found a good market. I 'am led to believe with him that the lumber trade 'from the settlement at the mouth of that river 'to Peru and Chili must be made profitable, as 'there is not any wood in either of those places 'proper for spars. I have known spars carried 'from the island of New Zealand to those places, 'which paid a very great freight."

Mr. B. then read another statement, addressed to the collector by a gentleman in his vicinity, in which the number of ships employed in the whale fishery of the Pacific Ocean, from all the ports in New England and New York, were estimated at one hundred and twenty-nine, averaging about three hundred tons each, valued at the time of sailing, at one hundred dollars per ton, amounting to three millions eight hundred and seventy thousand dollars; and confirming the statement of the collector that the most profitable whale fishing was now in the North Pacific, between the latitudes of thirty-eight and forty-eight. Yet, sir, notwithstanding the immense value of the whale fishery in the Pacific ocean; notwithstanding the immense value of the fur trade on the long line of its shore, from Cape Horn to Analaska; there is not a solitary port at which our vessels can enter, to refit or procure supplies, unless it be by permission and the payment of duties. To the courtesy of the Spaniards and the fears of the native Indians we have hitherto been indebted for all the facilities which have been afforded to our shipping. I should have thought, sir, that during the last war, this country had received a lesson at Valparaiso which would have induced us to establish some place on this coast for the security and protection of our ships. In the event of another war with Great Britain, it may be relied on as a certain truth that in Chili, Peru, and Mexico, the influence of Great Britain will be the predominating influence, and the miserable Creoles who inhabit these shores will connive, as they have done, at the violation of their independence and their neutrality: they will suffer our vessels to be captured under the guns of their batteries. Nay, they will do more—they will permit the titled marauder, who commands their navies, to plunder our merchants, and will share in the plunder. If we neglect those means of protection which we have in our power, let us not complain if the bloody flag of the pirate should wave in triumph over that mighty ocean, if it should be lighted up with the blaze of our burning vessels, and if the whole of that trade which now gives employment and wealth to thousands of our citizens should be annihilated.

I have heard it said, Mr. Speaker, as well out of as in the House, that by the adoption of this measure the limits of our empire would be extended too far, and that the Union itself would be exposed to the danger of dismemberment. If it were so, it would be well worth consideration whether the experiment would justify the hazard. But, sir, in my opinion, the unity of this nation depends in some measure upon its extension. There is less danger of separation in a confederacy of twenty or thirty States than in one of a smaller number. If the Union were composed of but two States, they would inevitably separate, or one of them would conquer the other. In like manner, if there were only two interests in the country—a Northern and a Southern interest—a slaveholding and a non-slaveholding interest—the hazard of separation would be greatly increased. But, by multiplying and extending the States of the Union, you will create so many different interests that

they will neutralize each other. On some questions the interests of the Eastern and Southern States might be found to be the same; others the Eastern and Western; others the Middle States and the Southern, Eastern, and Western, and so on; and so conflicting interests which might arise from time to time (so great at times as to threaten dismemberment) be rendered less dangerous, and the angry passions of the few be controlled by the sober feelings of the majority.

Sir, continued Mr. B., I have heard another objection to this measure. It is said that the chances of war might be increased by the establishment of this post on the Pacific. I have indeed heard that the Emperor of Russia has claimed all the Northwest coast, down to the fifty-first degree of North latitude, and one hundred Italian miles south of that; and that he has also set up a claim of a character so monstrous that no people in their senses can admit it. He claims, sir, all the Pacific ocean, from that degree of latitude on the American coast, to a corresponding point on the Asiatic, under the pretence that it is a close sea. A close sea! and four or five thousand miles in width! and by his Imperial ukase has subjected all vessels to confiscation which shall be found within those limits! If this be the fact, (and there is no doubt of it,) the time has arrived when we are bound to strengthen ourselves in that region. This measure is one, not of expediency, but of necessity.

Mr. Speaker, we *have* the ability to protect our trade on that ocean. During the last war, Commodore Porter, with a single frigate, for a long time effectually protected our trade, and had materially annoyed that of the enemy. It is unwise in us to despair of our ability to do this. Arguments founded upon what *may* happen would go equally to prove the futility of establishing a navy, which might be captured by the adversary, and so add to his naval strength as to evince the fruitlessness of building vessels for trade, because they may be taken. If a measure be right in itself, it is unwise to reject it because its beneficial effects *may* be defeated by a war. Had we always acted from such policy, we should never have built a navy, nor suffered a merchant vessel to cross the ocean.

The maxim of the Romans, *never to despair of the Republic*, was a maxim of wisdom as well as of courage. If we are to suffer this territory to remain a barren waste, the desire we had to extend our nominal limits to the western waters was vain and childish. Were it not ours some other nation would have occupied it; civilization would have commenced, and the means of increasing the happiness of man would have been extended. It is the duty of civilized nations, who have acquired a savage country, to cultivate it, to reclaim its wandering aborigines, to draw them from their forests, to condense their population, and to convert them, if not into farmers, at least into shepherds and herdsmen; and if, after making every honest effort to improve their condition, they still continue to be obstinately hostile, never to hesitate at the adoption of means necessary to secure the civilized race in their possessions.

Mr. BAYLIES adverted to the importance of that branch of our commerce which is known by the name of the Northwest trade. He said he did not know but that it was of more value than the whale fishery; and, like that, it grew out of nothing; labor was its capital. The foundations of some of the most princely fortunes in Boston, were laid in that trade. Vessels would sail from ports in the United States sometimes, as he was told, with small assortments of hard ware, scarcely exceeding $5,000 in value; with such articles a traffic for furs is carried on with the natives of the Northwest Coast; in their passages from that coast to China they have touched at the Sandwich Islands, and completed their lading with sandal wood; those articles and ginseng being the only ones which were saleable in the Canton market, with the manufactured goods and teas of China. They had proceeded to South America, and, with the specie obtained from their sales there, would return again to China; and, after performing a circuit of adventure, perhaps for five or six years, return home with their original five, six, or ten thousand dollars increased to two hundred thousand dollars.

But more magnificent prospects, Mr. Speaker, open upon our view in relation to the commerce of the Pacific Ocean. The practicability of a water communication which should unite the two oceans, the Atlantic and the Pacific, has been alluded to by the gentleman from Maryland, (Mr. WRIGHT.) To some, this scheme may appear visionary; but the Baron Humboldt, one of the most scientific and intelligent of travellers, has pointed out five places at which the junction of the different waters might be effected; he had no doubt of its perfect practicability. In less than thirty years, this communication will be made. If a broad and capacious ship-channel cannot be formed, it will certainly not be difficult to make a channel for boat navigation. In either case, a change will be effected in the affairs of the world more stupendous in its consequences than any which has happened since the discovery of America. Two great cities at the extremities of this canal would be the depots of the commerce of both hemispheres. A voyage from Pensacola or New Orleans to China could be effected in less than fifty days. Space and distance would be conquered, and the ends of the earth would be brought together. There never was a fairer field for the enterprise of the mariner than that which the Pacific Ocean presents. It is seldom disturbed by storms; over an immense space a perpetual summer reigns; and it has been demonstrated to be susceptible of navigation for nearly five thousand miles in an open boat. The mutiny on board the British ship Bounty, must be well recollected, and the passage of Captain Bligh from the South Sea islands to Timor. It would afford the safest steamboat navigation in the world, and the time would come when the fires of thousands of those conquerors of time, and the elements, would illuminate the long tract of its waters.

It has been said, Mr. Speaker, continued Mr. Baylies, that this is a colonizing plan, and that colonizing is not good policy for this nation. The bill under consideration does not contemplate a colonial settlement. The territory proposed to be occupied, is already a part of the United States. But suppose it is such a plan. Let us look to history and see what have been the effects of systems of colonization. The colonizing States of ancient times were the most powerful. Carthage was one of the most considerable of them, and it was with the wealth which she derived from her colonies, that she was enabled to contend so long against the colossal power of Rome.

The great colonizing nations of modern Europe, have been Spain, Portugal, Holland, France, and England; and which of these nations has suffered in consequence of the extension of their colonies? It has been said that Spain has lost her strength, her population, and her riches. By referring to the history of that monarchy it will be found that it was originally divided into a number of independent and petty kingdoms, possessing neither strength nor consistency, which were finally united by the marriage of Ferdinand and Isabella, in whose reign America was discovered. In the reign of their successor, the Emperor Charles V., Spain began to colonize America. From the great actions in which that Monarch was engaged, a fictitious grandeur was thrown over Spain. He was rather the Emperor of Germany, King of Bohemia, and Sovereign of the Low Countries, than King of Spain. Upon his abdication his successor was left with dismembered territory and diminished power, yet the colonies of Spain continued to flourish and increase, and Spain remained a principal Power in Europe. It is now undeniably true, that the weight and influence of Spain have been materially diminished; yet the colonies, instead of exhausting, have furnished the aliment of her existence, the wealth which for a long time she drew from America, upheld her tottering power, and recruited her wasting strength. The population of Spain is as great at this day as ever. There are as many men to fill the ranks of her armies, as there were in the proudest day of her glory. But, sir, her moral energy has departed; it has been buried in the cells of the Inquisition; it has been prostrated at the feet of the Priests. Bigotry has sat upon the bosom of that nation like the nightmare, and every noble and patriotic feeling has been paralyzed; but, sir, her colonies have not diminished her wealth, her population, or her power. Portugal, a kingdom scarcely exceeding the smallest of our States in territorial extent, with a population less than 2,000,000; in consequence of the wealth and strength of her magnificent colonies, has always maintained a high standing amongst the nations of Europe. When the storm which recently desolated that Continent burst upon her head, the mother was protected by the child; her fallen throne was reared, and her wandering Monarch was sheltered in America. Brazil has worn the metropolitan honors of Portugal. Holland, in extent, was scarcely equal to the State of Maryland; yet she soon became the first of the colonizing nations, and by her wise and sagacious policy, she gave bread and riches to her people, when her territory could have hardly afforded them subsistence: she ravished the India trade from the Portuguese, she established her colonial system on a solid basis; "her merchants were princes," and in the continental wars of the last century, the Bank of Amsterdam was more terrible than "an army with banners." Her wealth enabled her to hold the balance of European power; she supplied the world with money, and the coffers of her merchants materially aided the cause of American Independence. Holland has passed for a time under a foreign yoke; but colonization certainly did not produce that degradation. She became too rich, and with the fear of losing, and with the hope of preserving her wealth, she submitted; she yielded her independence in the vain hope that her dollars might be spared.

France, in looking back to the numerous and powerful colonies which once acknowledged her dominion, must feel, one would think, the most poignant regret. Canada, Nova Scotia, Louisiana, St. Domingo, the Isle of France, Pondicherry, &c., were the brightest jewels in the Crown of the Bourbons, and, in the proudest day of her revolutionary and imperial triumphs, her people sighed when they remembered that the days of her colonial grandeur were the days of her happiness. The restless ambition of her Kings lost many of these colonies to France; and after the restoration of one, which now forms one of the fairest portions of the American Republic, the necessities of the Emperor Napoleon, (perhaps the necessities of ambition,) induced him to sell it to the United States for money! Yet, Napoleon never uttered words of more wisdom, than when he said, "I want ships, commerce, and colonies." The elasticity of the French character, is one of its finest traits. A Frenchman never despairs; he never loses sight of the smallest national advantage; and France is even now, after the exhaustion produced by a war of twenty-five years; after the burdens which have been imposed on her people, by the unsuccessful termination of her contest with United Europe, preparing such means as she has to establish another colony in the Island of Madagascar.

Was Great Britain more powerful, wealthy, and happy, before she began to colonize, than now? I think not. The magnificent system of colonization commenced in the reign of Queen Elizabeth. During the reign of that extraordinary female, the minds of her subjects received a new and momentous impulse. The romantic spirit of adventure was abroad. Religion, ambition, enterprise, and avarice, all conspired to lead the pious, the aspiring, the bold and the rapacious, to explore those vast, but distant regions, which had been opened to the view of Europe, and from that time she has been growing in wealth, in grandeur, in population, and in power, in a ratio which almost defies calculation. Thirteen of her colonies now form a powerful nation, glorying in their independence, and defying her power; and notwithstanding all her exhausting wars, and all the drain of her col-

onial emigration, she was never more populous, more wealthy, or more powerful, than she is at this day. I know, sir, that much has been said of the magnitude of her national debt, and her ruin has again and again been predicted. The debt, sir, in my opinion, is a proof of the wealth of the nation. It is due from the nation in the aggregate, to its individual subjects, and surely they must have been a rich people who were able to lend to their Government an amount of money so enormous. Is this nation in debt to other nations? Half the nations in Europe have been, and still are, indebted to her. Inspect the balance sheets of her merchants, and the whole trading world will be found to be their debtors. She has riches on her surface, she has riches under her surface; and cultivation has exhausted all its powers on her soil.

I have advanced these historical facts, Mr. Speaker, to show, as I think I have conclusively shown, that colonization does not impair the strength, or diminish the wealth of nations.

I hope, sir, I shall not be considered too enthusiastic on this subject; it is one which I have much at heart. Afflicted as I am with a severe cold, it is painful for me to speak, yet I will make an effort to add a few words more.

If the worst that has been predicted should happen; if the population beyond the Rocky mountains should wish for independence, and should be able to effect it, would it not be better that it should be amicably conceded? And ought we to regret it? Sir, I think not. Most of the nations of the earth have been anxious to transmit the evidence of their greatness and renown to posterity. It is a natural desire and passion; for this purpose the triumphal edifices of the Romans were reared; for this purpose the pyramids of Egypt were erected; for this purpose the world is filled with the monuments of art; but, with a nation of kindred blood, governed by laws similar to yours, cherishing your principles, speaking your language, and worshipping your God, you may rear a monument more magnificent than the Arch of Trajan, more durable than the pyramids; a living, animated, and everlasting monument of your glory and your greatness. I should delight to know that in this desolate spot, where the prowling cannibal now lurks in the forest, hung round with human bones, and with human scalps, that the temples of justice and the temples of God were reared, and man made sensible of the beneficent intentions of his Creator.

Will none of the living witness scenes like these? There are now living witnesses of scenes more wonderful—I might say more miraculous.

Every gentleman within these walls will recollect the splendid sally of eloquence which was elicited from Edmund Burke when describing the progress of North America from a state of colonial infancy to manhood. Yet we have now living witnesses of scenes which even the glowing mind of Burke could not have imagined or conceived: Men who have seen the country of which they were natives rise from the rank of humble colonies to that of a mighty empire; who have seen a commerce which, in their youth, crept along our shores in miserable boats, gleaning a few wretched articles from a poverty-stricken country, spreading their sails to every breeze, and "invading the ice of either pole:" Who have seen a population of scarcely six hundred thousand swelled into ten millions; a population which, in their youth, extended scarcely an hundred miles from the ocean, spreading beyond the mountains of the West, and sweeping down those mighty waters which open into regions of such matchless fertility and beauty.

Some now within these walls may, before they die, witness scenes more wonderful than these; and in aftertimes may cherish delightful recollections of this day, when America, almost shrinking from the "shadows of coming events," first placed her feet upon untrodden ground, scarcely daring to anticipate the grandeur which awaited her. Let us march boldly on to the accomplishment of this important, this useful, and this splendid object, and, my word for it, no one who gives his vote for this bill will repent. On the contrary, he may consider it as one of the proudest acts of his life.

Mr. TUCKER said, that he had intended to give a silent negative to the bill; but when he witnessed the singular spectacle of three long and eloquent speeches made in support of it, and no member rising against it, though there were such strong symptoms of opposition to the measure, he thought it due to a frank and manly course of legislation, and respectful to the friends of the bill, to state his objections to it, regretting, however, that the task had not devolved on some person more competent and better prepared than himself. Mr. T. said he did not object to the occupation of the mouth of Columbia river because he considered it visionary and unfeasible, for he thought it but too practicable, but because it was calculated to draw off our population and capital to a point where they will be less efficient and useful than at present, and where they must eventually be lost to these States. I also agree, said Mr. T., with the gentleman who introduced the bill, (Mr. FLOYD,) that we cannot arrest the progress of our population to the West. In vain may the Government attempt to set limits to its course. It marches on, with the increasing rapidity of a fire, and nothing will stop it until it reaches the shores of the Pacific. We have some *data* by which we may estimate this progress. Our population has been found to double in something less than twenty-five years. Now, if our settlements have advanced westwardly five hundred miles in that period, (and few would estimate it so low,) then, in the next twenty-five years we shall have advanced one thousand miles, and, in the twenty-five years after, two thousand miles; which, in a right line, would bring us in the Pacific Ocean. Thus, in less than half a century, the people of these States will have spread themselves across this continent, and many now living will see the vision of the gentleman from Massachusetts realized, of Christian churches and temples of justice reared in the wilderness, now exclusively occupied by savages. But while I

consider this progress of our population to the West as inevitable, I have no wish to accelerate it, because, in the nature of things, the people on the east and the west side of the Rocky Mountains must have a permanent separation of interests.

The whole country, said Mr. T., lying east of the Rocky Mountains, is bound together by the strongest and most indissoluble ties. It is all Atlantic country, and that extensive commerce which is so beneficial to the different parts must all be carried on on the Atlantic. Nor is this all. Those immense and fertile regions which are drained by the Missouri and Mississippi, have but one outlet for their surplus products, one channel for their trade, and they must owe the secure enjoyment of it to the States lying on the Atlantic, as they alone can furnish the seamen which a navy requires. We are thus held together by the strong bands of commerce and mutual defence. But not so with the population west of the Rocky Mountains. Their rivers, emptying themselves into the Pacific, their trade will naturally be with China, Japan, and the Philippine Islands. They will not only be invited to this trade by their local position, but by the circumstances of their situation. Commerce is never so profitable as when it is carried on between a newly settled country in which land is fresh and easily obtained, and one in which a dense population has made manufactures cheap and abundant. The people on the Pacific will then find their best employment in exchanging their lumber, and bread stuffs, and provisions of all sorts, for the manufactures of China and Japan. They can have no inducement to trade with us. What common interest can they have with us on the Atlantic? The connexion would be an inconvenience and a burden to both. If we invite people there, we must protect them until they are able to protect themselves, and this protection would be to us expensive, and to them, on account of the distance, often tardy and inadequate. If the proposed settlement is to be incorporated into the Union, it is without example for a country to have a part of its territory so remote from the rest. From the mouth of the Mississippi to the mouth of the Columbia, I believe the distance to be about four thousand miles by any route that is now known.

Mr. T. said, the gentleman from Massachusetts has endeavored to derive aid to the bill by insisting on the advantages of colonies. Sir, when the mother country has a monopoly of their trade, they may increase its maritime strength and its commercial wealth, but in other respects they are uncongenial to our Republican institutions. To preserve their independence, it would be necessary to give large discretionary powers to those who govern them, and I have no wish to see introduced among us those distant prætorships whose effects were so pernicious in the Roman Empire.

Mr. T. said he was aware of the great advantages of the whale fisheries and the fur trade; he believed that no employment of our ships or seamen was so gainful as these. But he thought that the communications read by the gentleman from Massachusetts, (Mr. Baylies,) showing that most of the whales and seals were now taken in the South Pacific, though, from the growing scarcity of whales in that ocean, they might be obtained in greater abundance in the Northern Ocean. [Mr. Baylies said the gentleman from Virginia was mistaken, and made an explanation.] Mr. T. continued: Admitting that I am mistaken in that fact, and that our whale and seal ships are in the neighborhood of the mouth of Columbia river, this trade requires not your protection or encouragement. There has been no document laid before the House to show that it is required, or even asked for. If protection were required, I should be as ready to vote for it as any member of this House; but even then I should only be for establishing a military post. The advocates for this bill say there is no port on the whole coast of the Pacific in which our vessels have a right to enter and refit. But, if I am not mistaken, our citizens have not only found it practicable to refit their ships on the Columbia river, but they have even built vessels there. At all events, those who are concerned in the trade have not complained of this inconvenience, and, until they do, I am not for inviting a settlement which, before very long, must, in the nature of things, be lost to this nation. Mr. T. said such were his honest views of the bill, and he felt himself bound to disclose them, professing himself ready to abandon them if they should be shown to be erroneous.

Mr. Floyd rose, and, in order to accommodate the wishes of some gentlemen, who desired time to consider this subject, and also because a resolution had been this day laid on the table calling for further information on the subject, moved that the further consideration of this bill be postponed to the second Monday in January.

This motion was agreed to, and the House adjourned.

Thursday, December 19.

On motion of Mr. Mercer, the report of the Committee of Claims, made at the last session, on the petition of Andrew Bartle, together with the said petition, was recommitted to the Committee of Claims.

On motion of Mr. Colden, the Committee on Naval Affairs were instructed to inquire into the expediency of continuing to the widow and child of the late Captain James Lawrence, of the United States Navy, the pensions heretofore allowed to them.

On motion of Mr. Cook, the Committee of the whole House to which is committed the bill confirming certain claims to land in the State of Illinois, were discharged from the further consideration thereof, and it was recommitted to the Committee on the Public Lands.

On motion of Mr. Jennings, the Committee on the Post Office and Post Roads were instructed to inquire into the expediency of so amending the act, entitled "An act for the relief of John D. Hay," approved April 18, 1814, as to exonerate the said Hay from any demands which the United States had against him as a deputy postmaster,

prior to the passage of the aforesaid act; as likewise any costs that may have accrued.

The SPEAKER laid before the House a report of the Secretary of War, on the petition of George W. Titus, which was read and ordered to lie on the table.

An engrossed bill, entitled an act to repeal part of an act passed by the State of Maryland in the year 1794, and now in force in Georgetown, in the District of Columbia, entitled "An act for an addition to Georgetown, in Montgomery county," was read the third time, and passed.

Among the petitions this day presented, was one by Mr. STEWART, from sundry inhabitants of the State of Pennsylvania, praying for the aid and patronage of Congress in a plan for the improvement of the navigation of the river Potomac, from tide-water to Cumberland, in the State of Maryland; which was referred to the Committee on Roads and Canals.

Mr. TRIMBLE submitted for consideration the following resolution:

Resolved, That the President of the United States be requested to inform this House what appropriations will be required to enable him to fortify Thompson's Island, usually called *Key West*; and whether a naval depot established at that island, protected by fortifications, will not afford facilities in defending the commerce of the States, and in clearing the Gulf of Mexico and the adjacent seas of pirates.

This resolution lies on the table one day, according to the rules.

On motion of Mr. CANNON, the bill to provide for disciplining the militia of the United States, now lying on the table, was referred to a Committee of the whole House on the state of the Union.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting the books containing the decisions of the commissioners on the claims to land, derived from French and Spanish titles in the late Territory of Missouri and the Territory of Arkansas, called for on the motion of Mr. SCOTT; which were referred to the Committee on Public Lands.

On motion of Mr. BRECKENRIDGE, the Committee of the Whole, to whom was referred the bill to authorize the holding a district court at Louisville, in the State of Kentucky, was discharged therefrom, and it was recommitted to the Judiciary Committee.

The bill for the relief of William Sayles was then passed through a Committee of the Whole, and ordered to be read a third time to-day, and was subsequently read a third time, passed, and sent to the Senate.

[The case of William Sayles is this: He became security, in the year 1807, for the Postmaster at Peterboro, in the State of New York. In 1815, the Postmaster removed from that part of the country. In 1821, William Sayles was sued for the money due by his principal to the Government, and judgment was recovered against him for upwards of $300, upon which he is now confined in the limits of the county prison. Sayles is eighty-two years of age, and miserably poor. The bill proposes to discharge him from confinement on his delivering up all the property he has or may hereafter acquire.]

The House then proceeded to the roll of the Orders of the day. The first subject was the bill "to abolish imprisonment for debt;" which was recommitted to a select committee; and Messrs. SMITH of Kentucky, NELSON of Virginia, and CUTHBERT, were appointed the said committee.

The bill for making a road from the Miami of Lake Erie to the Connecticut Reserve, was for some time in Committee of the Whole, but was deferred to another day until the report accompanying the bill could be printed.

The bill securing to mechanics and others, in the District of Columbia, payment for materials and labor employed in building, passed through a Committee of the Whole, and was amended, on the motion of Mr. LATHROP, so as to require the contract, constituting the lien on the property, to be in writing, and recorded in the Clerk's office of the Circuit Court, before the completion of the building. Thus amended, the bill was ordered to be engrossed, and read a third time on Monday next, by a vote of 65 to 40.

Several bills were passed over without any one calling them up; among which were the bills to make perpetual the act to regulate the collection of duties, of 3d March, 1815; the bill to regulate the entry of merchandise from adjacent territories: the bill to provide for the survey and disposal of the public lands in the Territory of Florida; the bill to enable the people of the District of Columbia to form a frame of government, &c.

The bill to provide for instructing and disciplining the Midshipmen of the Navy, being next in turn, was, on motion of Mr. FULLER, recommitted to the Committee on Naval Affairs.

The resolution moved yesterday calling upon the President for the laws, &c., passed in the Territorial Government of Florida, was also taken up, and agreed to.

On motion of Mr. REID, of Georgia, the report of a committee of the last session, adverse to the long standing claim of the Georgia militia, for services rendered in 1792, '3 and '4, and the report adverse to the petition of General Thomas Glasscock, were taken up, and referred to a Committee of the Whole.

Mr. LITTLE, in moving the following resolution, said that it was represented to him that the relief intended to be afforded to sick and disabled seamen, by the laws of the United States, was not now afforded in all cases. Whether this was owing to a defect in the law, or to a deficiency of funds, he knew not. Certain it was, the fact was so; and, deeming it a proper subject for inquiry, he moved the adoption of the following:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of so amending the laws as will more effectually afford relief to sick and disabled seamen.

The resolution was agreed to.

MEDALS.

Mr. Alexander Smyth, from the Joint Library Committee, to whom was referred the letter of George W. Erving, Esq., accompanying a collection of medals, reported that they have had the same under consideration, and recommend the adoption of the following resolution:

Resolved, That the Speaker be directed to express to George W. Erving, Esq., the thanks of this House for the liberal donation of French and American medals made by him to Congress, for the use of the National Library.

The report being read, the question was taken to concur in the resolution therein submitted, and passed in the affirmative unanimously.

The following letter and catalogue accompanied the report:

Boston, *July* 4, 1822.

Sir: The letter which I had the honor to address to you on the 4th July, 1819, and which Mr. Lowndes was so obliging as to take charge of and deliver, was intended to have been accompanied by the collection of medals therein referred to, but this was unfortunately lost on board the ship "Factor," bound to New York; of which accident it appears that the House was duly informed by its committee. As soon as I heard of it, I endeavored to procure a duplicate of the collection, and succeeded, a few days before I left Paris, in April last. This, together with the medals which have been struck at Paris to commemorate some principal events of, and men distinguished in, our Revolution, I take the liberty, through you, sir, of herewith sending and offering to Congress for the use of the National Library.

With sentiments of the highest respect, &c.

GEORGE W. ERVING.

To the Hon. the Speaker
of the House of Representatives.

P. S. A printed catalogue of the French medals is enclosed in the case which contains them. The American medals are but five, proper, viz: One of General Washington at the Siege of Boston; one of Doctor Franklin; one of Paul Jones; two of the battle of the Cowpens. To these I have thought it well to add Columbus and Kosciusko, taken from the collection of illustrious men deceased, now publishing in the French Mint. G. W. E.

MONNAIE DES MEDAILLES.

Collection des Médailles en bronze, des campagnes et du règne de l'Empereur Napoléon.

DESIGNATION DES MEDAILLES.

1796 Bataille de Montenotte.*
Bataille de Millésimo.
Bataille de Castiglione.
1797 Reddition de Mantoue.
Capitulation de Mantoue.*
Passage du Tagliamento.
Traité de Campo-Formio.
1798 Conquête de la Basse-Egypte.*
Conquête de la Haute-Egypte*
L'Egypte Conquise.*
1799 Retour à Fréjus.*
1800 Passage du Grand Saint-Bernard.*
Bataille de Marengo.
Mort du Général Desaix.
1800 Colonne Départementale.
Colonne nationale.
Le Quai Desaix.
Honneurs rendus à Turenne.
Attentat du trois Nivose.
1801 Paix de Lunéville.
Autre sur le même sujet.
1802 Paix d'Amiens.
Autre sur le même sujet.
Rétablissement du Culte.
Organisation de l'Instruction publique.*
1803 Négociations avec l'Angleterre.*
Conquête du Hanovre.*
La Vénus de Médicis.*
Les Ecoles de Pharmacie.*
La Fortune Conservatrice.*
Le Musée Napoléon, (2 medals.) { Salle de l'Apollon.* / Salle du Laocoon.*
La Légion d'Honneur.*
L'Ecole des Mines du Mont-Blanc.*
Le Camp de Boulogne.*
Construction des deux mille Barques.*
Le Code Napoléon.*
1804 Le Couronnement à Paris.* (4 medals.)
Le Sacre.*
Repas donné par la ville de Paris.
Fêtes du Couronnement.
Distribution des Aigles.*
La Monnaie des Médailles rétablie.*
Société Centrale de Vaccine.*
1805 Visite du Pape Pie VII.*
Couronnement à Milan.*
Le Tombeau de Desaix.*
Autre, avec inscription.*
La Ligurie réunie à la France.*
Les Ecoles de Médecine.*

Première Campagne d'Autriche.

1805 Levée du Camp de Boulogne.*
Allocution sur le Pont du Lech.*
Capitulation d'Ulm et de Memmingen.*
Prise de Vienne et de Presbourg.*
Reprise des Drapeaux à Inspruck.*
Bataille d'Austerlitz.*
Les trois Empereurs.*
Entrevue des deux Empereurs.*
Députation des Maires de Paris et Schoenbrünn.
Paix de Presbourg.*
Cathédrale de Vienne.*
Conquête de Venise.*
1806 Conquête de l'Istrie.*
Conquête de la Dalmatie.*
Conquête de Naples.*
Souverainetés données.*
Mariage du Prince de Bade.*
Colonne de la Grande Armée.*
L'Arc de Triomphe.*

Campagnes de Prusse et de Pologne.

1806 Confédération du Rhin.*
Bataille d'Iéna.*
Autre sur le même sujet.
Entrée à Berlin.*
Capitulation des quatre Forteresses de la Prusse.*
Alliance avec la Saxe.*
Occupation de Hambourg.*
1807 Les Aigles Françaises sur la Vistule.*

1807 Bataille d'Eylau.*
Séjour à Ostérode.*
Bataille de Friedland.*
La Victoire du 14 Juin.*
Occupation des trois Capitales.*
Conquête de la Silésie.*
Paix de Tilsit.*
Le grand Duché de Varsovie.*
Le Royaume de Westphalie.*
Mariage du Roi de Westphalie.*
Réunion de l'Etrurie à l'Empire.*
Le Simplon.*
Route de Nice à Rome.*
L'Aigle couronnée.*

Campagne d'Espagne.

1808 L'Entrée a Madrid.

Seconde Campagne d'Autriche.

1809 Rupture du Traité de Presbourg, et Batailles d'Abensberg et d'Eckmühl.*
Départ de Paris, et entrée à Vienne.*
Bataille d'Essling, et passage du Danube.*
Prise de Raab.*
Attaque d'Anvers, et Séjour à Schoenbrünn.*
Réunion de l'Etat Romain à l'Empire.*
Rome seconde Capitale.*
Conquête de l'Illyrie.*
Bataille de Wagram.*
Paix de Vienne.*
Visite du Roi de Saxe à la Monnaie des Médailles.*

1810 Visite du Roi et de la Reine de Bavière à la Monnaie des Médailles.*
Mariage de l'Empereur.* (4 medals.)
L'Amour emportant le Foudre.*
Visite du Grand Duc de Wurtzbourg à la Monnaie des Médailles.*
Statue de Desaix.*
Le Canal de l'Ourcq.*
Orphelines de la Légion d'Honneur.*
Pompe Funèbre du Duc de Montebello.

1811 Naissance du Roi de Rome.*
Baptême du Roi de Rome.
Le Roi de Rome.* (3 medals.)

Campagne de Russie.

1812 Prise de Wilna.*
Bataille de la Moskowa.*
Entrée à Moscou.*
Les Aigles Françaises sur le Borysthène.*
Les Aigles Françaises sur le Wolga.*
Retraite de l'Armée.*
Fondation de l'Ecole des Beaux Arts à Rome.

1813 Bataille de Lutzen.*
Bataille de Wurtchen.*
Le Monument du Mont Cenis.*

1814 Février, 1814.*

1815 Retour de l'Empereur.*
L'Impératrice Marie Louise.*
La Princesse Elisa.*
La Princesse Pauline.*
La Reine de Naples.*
La Reine Hortense*

NOTE.—Those marked thus (*) were ordered by the Government, and designed and executed under the direction of M. Denon.

OCCUPATION OF COLUMBIA RIVER.

The House having taken up the resolution yesterday moved by Mr. JOHNSTON, of Louisiana, requesting the Secretary of State to communicate certain information respecting the territory at the mouth of Columbia river—

Mr. COLDEN suggested that the letter of Mr. Prevost had been already published.

Mr. JOHNSTON, of Louisiana, said he was aware the letter was published. The information in that letter was not a material part of the resolution. It might be dispensed with, though it was desirable to lay all the information on the subject before the House together. He said, the British Northwest Company had extended their trade through Canada, to the westward of the Rocky Mountains, so that it had been necessary to supply their factories by the Pacific. The goods had been usually sent to Boston, and then shipped to the mouth of Columbia, and thence to their factories. It was generally understood that, about the year 1814, the proprietors (our citizens) made an arrangement with the Northwest Company, by which they became possessed of the establishment, and through that channel their factories are now supplied. He wished to know the nature and character of this arrangement; what sort of possession they had obtained; and what measure was necessary to assert our claim to the country.

Mr. FLOYD said, he was glad to find the gentleman favorably disposed towards the bill for establishing a government at the mouth of the Columbia. He objected, however, to the phraseology of the resolution. The Departments of the Government, as they are called, exist merely as the creatures of a law of Congress, and the language of Congress to them had always been that of command or instruction, not of request. As the readiest way of amending this resolution, Mr. F. moved so to alter it as to address the inquiry to the President of the United States, instead of the Secretary of State.

Mr. JOHNSTON assented to this amendment. He had not made up his mind, he said, what measures were necessary to be adopted with regard to the country in question. When the information was before the House he should be disposed to do whatever was necessary to maintain our rights in that quarter, to prevent any intrusion on our limits, especially to secure the duties on goods imported through that channel, and to prevent any right being acquired there by our acquiescence, &c.

Mr. FLOYD adverted to the information on the subject given in the report of the committee which accompanied the bill at the last session. That information, he said, had been collected from the best sources; from the Executive, from books in the public library, and from two highly respectable and intelligent gentlemen, (Messrs. Crooks and Farnum,) to whom he ought, before now, to have acknowledged his obligations, &c.

The resolution, as amended, was agreed to.

INDIAN TRADING ESTABLISHMENT.

The House then took up the resolution yesterday laid on the table, calling on the President of

the United States for information what steps had been taken by the Executive to carry into effect the act of the last session, to abolish the Indian Trading Establishment.

Mr. MALLARY suggested that the President, in his Message to the two Houses of Congress, stated that measures had been taken to carry that act into execution; and that, when the information should be received of the manner of its execution, he would transmit it to Congress. Mr. M. doubted, under these circumstances, the propriety of passing the resolution.

On motion, the resolution was laid on the table; but, subsequently,

On motion of Mr. METCALFE, the resolution was again taken up, and, on his representation that its passage would facilitate the discharge of the duties of the Committee on Indian Affairs, by procuring for it such information as may be at this time received, without waiting until the whole should be received, the resolution was passed.

ADDITIONAL JUDGE OF MICHIGAN.

The House then, on motion of Mr. SIBLEY, resolved itself into a Committee of the Whole, on the bill to provide for an additional judge in the Territory of Michigan.

On the details of the bill, (the general necessity for which was fully explained by Mr. SIBLEY,) some debate arose between Mr. SIBLEY and Mr. COOK.

Mr. COOK moved to strike out a proviso in the bill, which is in the following words:

"That nothing in this act contained shall be construed to give cognizance to the court hereby established, of cases of admiralty and maritime jurisdiction, nor of cases wherein the United States shall be plaintiffs."

The motion to strike out this proviso was decided in the negative.

After some small amendments, the Committee rose, and reported the bill to the House; and the question being on ordering the bill to a third reading—

Mr. RANKIN stated his objections to the bill, which were, first, that the other judges of the Territory, now three in number, ought to be compelled to discharge the duties proposed now to be conferred on this fourth judge; and that the powers of this judge were to be different from those of the other judges of the Territory.

Mr. MCCOY was not satisfied that this bill ought to pass. If it passed at all, he was of opinion, with Mr. COOK, that officers should be appointed to constitute a complete court. For the present he moved that the bill do lie on the table.

This motion he withdrew, to allow of a motion for recommitment of the bill to be made.

On this motion a debate took place, in which the recommitment was advocated by Mr. LITTLE; and opposed by Messrs. SIBLEY, WILLIAMS of North Carolina, COLDEN, PLUMER of New Hampshire, and J. S. JOHNSTON.

The recommitment was supported on the ground of a necessity for further inquiry, and also on the objection to unnecessarily multiplying public offices.

The recommitment was opposed, on the ground that the case in contemplation of the bill was one which imperiously required a remedy—the people of the country now suffering from the want of a court, had at present to travel some one thousand miles, some six hundred, some four hundred, &c., to Detroit, where the supreme court now holds its sessions, which was such a denial as to amount to a refusal of justice, &c.

The bill was not recommitted, but was finally ordered to be engrossed, and read a third time to-morrow.

On motion of Mr. MCLANE, the bills concerning the collection of the revenue, &c., passed over this morning, were reinstated in their place in the orders of the day.

The House then resolved itself into a Committee of the Whole on that subject.

No debate or objection being made to the bill to make perpetual the act of 3d March, 1815, for regulating the collection of the duties on imports, it was reported to the House, and ordered to be engrossed, and read a third time to-morrow; and the House adjourned.

FRIDAY, December 20.

Mr. JOHNSTON, of Louisiana, presented a memorial of the General Assembly of the State of Louisiana, praying for a grant of two small tracts of land belonging to the United States, to be applied to useful and important public purposes; which memorial was referred to the Committee on the Public Lands.

Mr. KENT, from the Committee for the District of Columbia, to which was recommitted the bill to authorize the establishment of a Penitentiary within the District of Columbia, reported an amendatory bill, which was committed to a Committee of the whole House to-morrow.

Mr. WILLIAMS, of North Carolina, from the Committee of Claims, made a report on the petition of James Smith, paymaster, accompanied by a bill for his relief; which bill was read twice, and committed to a Committee of the Whole.

Mr. CAMPBELL, of Ohio, from the Committee on Private Land Claims, made a report on the petition of Woodson Wren, accompanied by a bill for his relief; which bill was read twice, and committed to a Committee of the Whole.

Mr. NELSON, of Virginia, from the Committee on the Judiciary, to which the subject had been committed, reported a bill concerning the apportionment of Representatives in the State of Alabama; which was read twice, and committed to a Committee of the Whole.

The Committee on the Judiciary were discharged from the further consideration of the petition of John Hogg, and it was referred to the Secretary of the Treasury.

The Committee on Military Affairs were discharged from the further consideration of the petition of John Dodge, and it was referred to the Committee on the Militia.

Mr. FULLER summitted the following resolution, which was read, and ordered to be laid on the table one day.

Resolved, That the Secretary of the Navy Department be directed to inform this House what rules and regulations have been prepared by the Board of Commissioners, and approved by the President, for the government of the Navy of the United States; and how far a revision of the same may be necessary.

On motion of Mr. FULLER, the Commissioners of Navy Hospitals were directed to report to this House the amount of the sums received by them by virtue of the act of the 26th of February, 1811; the balance remaining in their hands, and what measures have been taken by them to effect the objects pointed out in the third section of said act.

On motion of Mr. MCCARTY, the Committee on Military Affairs were instructed to inquire into the expediency of continuing to the widow of the late Colonel Electus Backus, who fell at Sackett's Harbor, during the late war, the half pay pension heretofore allowed to her.

A motion was made by Mr. CANNON, that the House do now proceed to consider the resolutions submitted by him on the 10th instant, and laid on the table, upon the subject of the militia; which motion to consider was disagreed to by the House by a vote of 59 to 56.

A message from the Senate informed the House that the Senate have passed bills of the following titles, viz: An act concerning the lands to be granted to the State of Missouri, for the purposes of education, and other public uses; an act for the relief of Jacob Babbit; and an act for the relief of Samuel H. Walley, and Henry G. Foster; in which bills they ask the concurrence of this House.

Bills from the Senate, of the following titles, to wit:

1. An act concerning the lands to be granted to the State of Missouri, for the purposes of education, and other public uses;
2. An act for the relief of Jacob Babbit; and
3. An act for the relief of Samuel H. Walley and Henry G. Foster, were, severally, read the first and second time, and referred: the first, to the Committee on the Public Lands, and the second and third, to the Committee of Ways and Means.

The engrossed bill to provide for the appointment of an additional judge for the Territory of Michigan, was read a third time, and, on motion of Mr. NELSON, of Virginia, it was ordered, for the present, to lie on the table.

The engrossed bill to make perpetual the act of March 5, 1815, to regulate the collection of duties on imports and tonnage, was read a third time, passed, and sent to the Senate for concurrence.

ARMING MILITIA WITH RIFLES.

Mr. WRIGHT submitted the following:

Resolved, That the Committee on the Militia be instructed to inquire into the expediency of arming the militia with rifles, except those residing in cities, towns, and villages, and report thereon by bill or otherwise.

In offering this resolution, Mr. WRIGHT said he had submitted it in confidence of the attention of the House to the subject, it being one of the first importance, the protection of the liberties of the people, and from his own experience in the use of fire arms, having taken a hand in two wars, he hoped for the attention of the House to his remarks. The militia in the country, said Mr. W., in their dispersed situation, can never be taught the use of the musket, and manœuvres necessary to fit them to contend with a regular foreign army. The labor they undergo in their periodical meetings, their marchings and counter-marches; their lugging their rusty muskets five or six miles, or, peradventure, the using sticks for firelocks, is truly painful to a spectator skilled in arms, I know vastly distressing to the country militia. They, sir, have such disgust to this business, and such antipathy to the duties of militiamen, have so little confidence in their fitness to contend with a regular army, that they consider themselves as sacrifices to the liberties of their country, when thus compelled to fight. But, sir, arm the country militia with rifles, and possess each of them with a rifle, compel them to meet as often as may be thought necessary, and distribute the fines and forfeitures into premiums for sharp shooting—taking care to have the fourth day of July, perpetual, one of those days; and, sir, you will relieve the militia from an intolerable burden, give them a perfect confidence in their strength and power, and make them, as I have always thought they were, the real bulwark of the liberties of their country. They fight for themselves, and not like mercenaries for pay; they in a little time, a hundred or two hundred yards, would be sure of their object; and riflemen need not be told of the vast certainty to which the use of the rifle may be brought. The havoc made at New Orleans, near the close of the last war, leaves no doubt on this subject. I have been told of a case, of two riflemen there, who shot at the same officer, and each claimed him—one said that he shot to hit him under the left eye; the other that he shot at his head; he was found to have been shot just under the left eye, and also in the head; so that he would have been killed by either. The immense carnage at New Orleans seals the truth of all I have said. I have been told, further, that, after the battle, a bet of a supper was made between the officers of two rifle corps from Georgia and Tennessee, of six shots aside, an hundred yards; that they shot at a paper on the mouth of a musket, that the Tennesseeans shot their six balls into the musket, on which the Georgians gave up the bet. When the British took possession of Kent Island there were said to be three rifles in the hands of the militia of the Island, and though concealed to avoid their getting them, kept them in a constant state of caution, for fear of being taken off, and which they were anxious to buy. Besides, the economy in the supply of rifles is of great consequence; the rifle barrels can be kept good for a long time; can be rebored, and by constant use of oil in their patches, are not liable to rust—when muskets, with the greatest care, are liable to rust,

and may be bent, and thereby destroyed. Sir, I have no doubt if our militia shall be thus armed and thus prepared, and their feats of sharp shooting published to the world, that all the Powers of Europe would not be able to press their officers to land on our coasts; but, sir, if they shall, notwithstanding, have the hardihood, I have no doubt they will pay for their temerity. I ask that the resolution may lie on the table, that the subject thus broke, may be acted on at an early day, understandingly, and the liberties of this country be thus preserved till the last trump.

Without further debate the motion of Mr. Wright, was ordered to lie on the table.

FORTIFYING KEY WEST.

The resolution yesterday moved by Mr. Trimble, requesting from the President of the United States information and estimates of the expense of fortifying Thompson's Island, commonly called Key West, on the coast of Florida, was then taken up; and the question being stated on agreeing thereto—

Mr. Eustis submitted whether it would not be expedient to let this resolution lie on the table for the present. It was well understood, he said, that a survey of the coast of Florida, &c., had been ordered, and was now in a train of execution. That being the case, it not being possible that the President could yet give the information required, he thought the adoption of the resolution would at this time be premature.

Mr. Trimble said he had supposed it would have been entirely unnecessary for him to make any explanation of the object of this resolution, and that any such explanation, upon a motion for inquiry, would be a mere consumption of time. He was decidedly of opinion that this inquiry ought not to be postponed. We ought, said he, to act upon this subject at the present session. His own opinion was, that the President ought in his message to have recommended this subject to the attention of Congress; the surveys not having been made, however, was certainly a sufficient reason why the recommendation was not introduced into the message. Mr. T. said that he should himself have brought forward this subject at the last session of Congress, but for the very circumstance that he had expected that the Board of Topographical Engineers and Naval Officers would have been sent during the last Summer, to survey that position. The frequency of piracies in those seas, the necessity of putting them down, and the importance of holding this position for naval purposes, and for a more important purpose, concurred in his mind to recommend this object to the consideration of the Government. But what does this Board of Surveyors say? That they have examined the Rigolets, and the localities of Mobile bay, and carried their reconnoisances as far as Dauphin Island, and that their former opinion on that subject was fully confirmed. And why, Mr. T. asked, did they not carry their reconnoissances further South? He did not mean to cast blame on them, however, but to express his opinion that Key West ought to have been surveyed in preference to the other points. If the House waited for the report of the surveyors, as suggested, they would not be able to act upon the subject the present session, and of course nothing could be done towards this work during the ensuing Summer. Let any one look at that point, in its relation to Florida and to Cuba, and he would be satisfied that the United States ought to expend two millions of dollars, at least, if necessary, in fortifying it, not to guard against pirates, but for the more important purpose of defending the commerce of the United States against the island of Cuba, if that island should ever fall into the hands of a Power hostile to the United States. Mr. T. said he had carried *his* reconnoisances, on the map, so far as to satisfy him of the importance of this station. He wanted the information upon the subject now, and he hoped the House would sustain the call, in order, that, after it shall be received, an appropriation for this object may be inserted in the General Appropriation bill—he himself being prepared to vote for such an appropriation, unless there should be a report against the expediency of it. The House would recollect, he said, that this body must rise on the 3d of March, and it was necessary, in his opinion, that this subject should be previously acted upon. Besides, the report, if we wait for it, will not, when it comes, bring with it the estimates and other information asked for by the resolution.

Mr. Floyd said he was very well convinced, from his reflections on the subject, that the fortification of the island, of which the gentleman had spoken, ought not to take place. The island in question is distant at least thirty miles from the main land of Florida. Now, said he, if we are to have naval depots, let us have them *on land*—on portions of our territory that can be approached without recourse to the ocean. To maintain a depot or fortified station on this or any island, would require that we should also have command of the sea. If not, our enemy could easily find his way between the continent and the island, and intercept all communication between them. All the armies of the United States, brought into Florida, would avail nothing to defend an insular station against a naval force. For this reason, he was entirely opposed to this project of establishing a naval depot on that island.

Mr. Trimble said he did not pretend to be particularly conversant with matters of this description, nor was he sure that finally he should vote to establish a naval depot at Key West, or to fortify that island. It was information that he now asked for, and not a disbursement of money. His present impression was, that the establishment of a naval depot on that island would not increase but would diminish one half the expense of the fortification of that quarter of our country. The island is distant more than thirty miles—it is distant seventy miles from the main land. From Cape Florida to West Key is seventy miles; from West Key to Havana is seventy-five miles; and the island lies about thirty-five miles west of a direct line drawn from Cape Florida to Havana. It commands the commerce of the Gulf Stream

better than Havana itself. Its harbor is sufficiently capacious for the whole Navy of the United States to lie in, supposing it to consist of fifteen ships of the line, and a due proportion of vessels of a smaller class. He begged the gentleman to understand that the fortification of that island, instead of increasing the general expense of fortifications, would diminish that expenditure. It was the only spot worth fortifying for the defence of the Gulf of Mexico. As to Dauphin Island, Mr. T. said now, as he had occasion to say before, that it would not answer the purpose for which it was undertaken. Nay, if he were living in New Orleans, he would give an invading enemy food and raiment to induce him to land on Dauphin Island for the purpose of attacking New Orleans.

Mr. FLOYD said he could not conceive how the fortifying of Key West was to diminish the expense of fortifications, generally. If he had understood the gentleman, he had supposed it an object worthy of an expenditure of two millions upon it. Now, Mr. F. said, he could not conceive how fortifying an island, fifty miles from the main land, could diminish expense, when he himself had witnessed, during the late war, a British seventy-four, a frigate, and two or three tenders, blocking up the whole of Chesapeake bay. Imagine this island fortified and stocked with naval stores, &c., and the whole Army of the United States marched to the shore of Florida opposite to the island; and let an enemy's superior naval force occupy the intermediate space, what would become of our fortifications and naval stores on Key West? All intercourse would be cut off with it, and the place must eventually fall into the hands of the enemy. He had heard fault found with General WASHINGTON by military men for establishing a post on Long Island during the Revolutionary war. At any rate, to fortify an island fifty miles from land, when our enemy might have a naval force superior to ours, seemed to him not to be accordant with military principles.

The question was then taken on agreeing to Mr. TRIMBLE'S resolution; and, on a division, seventy-nine rose in favor of it, being a majority of the members present. So the resolution was agreed to.

NAVAL FRATERNAL ASSOCIATION.

The House then, on motion of Mr. FULLER, took up the bill, lying on the table from the last session, for incorporating the United States Naval Fraternal Association for the relief of the families of deceased officers; and the question being on ordering the bill to a third reading—

Mr. COLDEN, professing the most perfect respect and best wishes for the object of this bill, expressed his apprehension that the beneficial objects of the institution would induce the House, in passing the bill, to transcend any power given to it by the Constitution of the United States. He asked, if Congress was competent to incorporate an association of this description, how benevolent or excellent soever its purposes? If so, why would they not be competent to incorporate other associations for the same or any other purpose. This corporation, said Mr. C., is to extend throughout the United States, and to have force through every State. Why not, on the same principle, incorporate an association of farmers, of merchants, or of any other class who shall tell us they have the same benevolent objects in view? He should be told, in all probability that this power of incorporation had been heretofore in some cases exercised by Congress. No doubt it had; but, Mr. C. asked, upon what principle? On the principle that in those cases the power was impliedly given to Congress. There is no express power of incorporation given to Congress by the Constitution; and whenever acts of that description had been passed, it was upon the ground that the Constitution by necessary implication affords the power. He had never heard the incorporation of the Bank of the United States by Congress advocated on any other principle than that the power was an implied one, the exercise of which was necessary to the due management of the fiscal concerns of the Government, to the establishment of a currency of equal value, which could not be maintained without a fountain head, such as the bank, from which the currency might issue, &c. Could any such argument be produced in favor of incorporating this association? He apprehended not. What he had advanced, Mr. C. said, was probably sufficient to show the foundation of his objection to this bill, which appeared so important to him at least as to induce further examination before the House determined to sanction the principles of the bill. He asked gentlemen to draw the line at which Congress were to stop in the exercise of the power of incorporation, if they passed this bill. To give further time for inquiring into this subject, Mr. C. wished the bill to lie on the table.

Mr. FULLER said that, when this bill was first reported, the same grounds of objection had been taken to it as were now taken by the gentleman from New York; and, to obviate that objection, an amendment had been adopted to the bill, so as to limit the power of the Corporation to the District of Columbia. He presumed, therefore, when the bill was properly understood, it would be found that the argument of the gentleman did not apply to it. There had been a variety of acts passed, Mr. F. said, within the last twenty years, precisely of the nature of the present act. Mr. F. referred the gentleman from New York, and other gentlemen who might entertain the same views, to the act incorporating the Columbian College; the act incorporating the Association of Clerks, for an object perfectly analogous to that of this bill; to the acts establishing banks within the District, which, he presumed, would not be considered as meriting so much the favor of the House, as this bill. He should not object to any postponement of the bill which gentlemen might ask, but he suggested these examples for the consideration of gentlemen when the bill should again come before the House.

Mr. COLDEN stated, further, the doubts which

had arisen in his mind respecting this bill, though he confessed he was not aware, when up before, of the amendment which had been made to the bill since it was reported. The objections to it were now said to be without foundation, because of its being a local incorporation, the authority for which was given by the Constitution, for this bill as well as for others of a similar nature. Mr. C. said he had no doubt of the authority of Congress to establish Corporations under the local and special powers given to Congress, not as legislators for the Union, but as legislators for this particular District. But what constitutes, in this case, the locality of a corporation? It must be, either the object of the corporation, or the persons connected with it. If, said Mr. C., we cannot legislate on a matter which does not attach itself to this District over which we have exclusive legislation, where, I ask, is the locality connected with this institution so as to place its incorporation within the power of Congress? You incorporate whom? Persons who are not even professedly citizens of this District, but persons connected with an establishment as extensive as the Union—as extensive, indeed, as the world; for, in whatever quarter of the earth our naval officers are found, this incorporation extends to them. If, in virtue of the powers of Congress over this District, they may do this, why may they not make corporations for any other object? Why might not the people of the city of New York desire Congress to incorporate a bank for their use, to be established within this District? Suppose it to be proposed: the question would naturally be asked, where will you transact your business? In New York. Where do you live? In New York. How, then, do you clothe yourselves with the property of locality here? So with this Association, &c. [Here an explanation took place; Mr. C. being apprized that the bill contained a provision that the *property* of the Association should be confined to this District.] Mr. C. said, that his suggestions went only to establish the propriety of further time to examine, which was confirmed by the misapprehension as to the provisions of the bill. If, on proper examination, it should appear that the bill was not liable to Constitutional objections, he should with all his heart support it.

The bill was then ordered to lie on the table; but was subsequently taken up, on motion of Mr. FULLER, and recommitted (for such amendment as Mr. F. thought would take away all objection to it) to the Committee on Naval Affairs.

Adjourned to Monday.

MONDAY, December 23.

A new member, to wit: from Pennsylvania, DANIEL UDREE, elected to supply the vacancy occasioned by the death of Ludwig Worman, appeared, produced his credentials, was qualified, and took his seat.

Mr. LITTLE presented a petition of sundry merchants of the city of Baltimore, praying for further compensation for damage sustained by their vessels in consequence of their being sunk in the entrance of the harbor of Baltimore, to prevent the entrance of the British shipping into that harbor, in the month of September, 1814.

Mr. LITTLE presented a petition of William Mahy, representing that he was a soldier in the army of the Revolution, as, also, in the army acting against the hostile Indians, in the years 1793 and 1794; as a petty officer in the naval service, during the war with Tripoli, and, also, in the late war with Great Britain; that he has been the father of twenty sons, sixteen of whom have died in the military ranks of the United States; and praying for a grant of the bounty in land due for his services in the Revolutionary war, and that he may be placed on the pension list of the United States.—Referred to the Secretary of War.

The House then proceeded to the consideration of the resolution laid on the table by Mr. FULLER, on the 30th instant, calling for information respecting the rules for the government of the Navy, &c., and agreed to the same.

Mr. ALLEN, of Tennessee, from the select committee appointed on the petition of James Royal, reported a bill for his relief; which bill was read, and committed to a Committee of the Whole.

Mr. TOMLINSON submitted the following resolution, which was read, and ordered to lie on the table one day:

Resolved, That the Secretary of the Treasury be directed to report to this House a statement, showing the amount annually received under the act for the relief of sick and disabled seamen, since the passage of said act, including the amount received in the first and second quarters of the year 1822; and the annual expenditure of the amount so received during the same period, designating the amount annually received and expended in each State.

On motion of Mr. COOK, the Committee on the Judiciary were instructed to inquire whether any, and, if any, what, alterations are necessary to be made in the organization of the courts of the United States, so as more equally to extend their advantages to the several States.

On motion of Mr. WRIGHT, the House took up, and proceeded to consider, the bill to provide for delivering persons held to labor or service in any of the States or Territories, who shall escape into any other State or Territory. Whereupon, it was committed to a Committee of the Whole House on the second day of January, 1823.

On motion of Mr. COLDEN, the House took up and proceeded to consider, the report of the Committee of Claims, made at the last session, on the case of John G. Bogert, and it was ordered to be committed to a Committee of the whole House to-morrow.

On motion of Mr. PLUMER, of Pennsylvania, the House took up, and proceeded to consider, the report of the Committee of Ways and Means, made at the last session, on the petition of John Wells; when it was ordered that the report, together with the petition, be recommitted to the Committee of Ways and Means.

The SPEAKER communicated to the House the following letter:

WASHINGTON, *December* 21, 1822.

SIR: I am highly sensible of the honor which I have received in your official letter of yesterday, acquainting me with the resolution which the House of Representatives has deigned to pass, in reference to the contribution towards a cabinet of medals, for the use of the National Library, which I ventured to present to it.

I beg you, sir, to accept my best acknowledgments for the very obliging terms in which you have communicated that resolution, and for the personal sentiments with which you have been pleased to accompany it. With very great respect, &c.

GEORGE W. ERVING.

HON. PHILIP P. BARBOUR,
Speaker of the House of Representatives.

The letter was read, and laid on the table.

The engrossed bill to secure to the mechanics and others, in the City of Washington, a lien on buildings for the materials and labor employed thereon, was about to be read a third time; when

Mr. KENT rose, and moved that the bill lie on the table. On examining an old law of the State of Maryland, passed in the year 1791, and now in force in this District, he discovered that the provisions contained in this bill were at present substantially in force as the law of the District, under that act.

The bill was ordered to lie on the table.

CHEROKEE AND CREEK TREATIES, &c.

The House then, on motion of Mr. TATTNALL, resolved itself into a Committee of the Whole, on the report of a committee of the last session, condemning so much of certain treaties with the Cherokee and Creek Indians as grants to those Indians the fee simple to certain lands in the State of Georgia.

The question being stated on agreeing to three resolutions moved by Mr. TATTNALL, on a former day, by way of amendment to the report (the two first of which declare the treaties to be infractions of the rights of Georgia and of the United States, and the third proposes an appropriation for extinguishing the Indian title to these cessions.)

Mr. REID, of Georgia, rose and said, that in deference to the opinions of some who were favorable to the main object of the report, but averse to acting upon the declaratory resolutions, inasmuch as those resolutions could have no legislative effect, and for the purpose of presenting to the House a naked question to decide upon, he should move that the declaratory resolutions, forming part of the proposed amendment, should be stricken out, and the following added to the third resolution: "And that the Committee of Ways and Means be instructed to report an appropriation in conformity with this resolution."

Mr. TATTNALL said, that, although, as he stated the other day, he deemed it necessary, in determining to make an appropriation, that the ground of that determination should be stated in the body of the resolution, yet, as he was aware, that some gentlemen supposed that the declaratory resolutions might be so interpreted as to convey a reflection on some individuals in the Government, which was not his intention in moving them, he would readily withdraw the resolutions, thus assenting to the proposition of his colleague.

Thus modified, and being further modified on the suggestion of Mr. WHIPPLE, the proposition of Mr. TATTNALL to amend the report of the committee, was agreed to, and reported to the House in the following shape:

"*Resolved*, That it is expedient and proper that an appropriation be made by Congress, of a sum adequate to the extinction of the Indian title to the "reserves" embraced within certain treaties of the 9th of August, 1814, 8th July, 1817, and 20th February, 1819, with the Cherokee and Creek Indians, and that the Committee of Ways and Means be instructed to report an appropriation in conformity with this resolution."

Mr. RANKIN, of Mississippi, said, that, in the general subject of the report and resolution, he agreed with the gentlemen from Georgia; but he had strong doubt as to the propriety of acting on that subject in the manner now proposed. He thought gentlemen would be able to arrive at their object in the usual way, by a direction to the Committee of Ways and Means to inquire into the expediency of making this appropriation. The House would see into what a dilemma it would be thrown by the passage of this resolution. The members of this House would readily admit that they were not so informed on this subject as to be ready now to act upon it conclusively. But, if this resolution were to pass in its present form, it would preclude the House from a review of the subject. The extent of these reservations, Mr. R. said, he was confident was not understood by the House, and the sum adequate to the extinguishment of the Indian title would be much greater than gentlemen anticipated. When, however, the subject could come before the House, information on these particulars would be necessary. Mr. R. proposed, therefore, the following, as a substitute for the resolution now before the House:

"That the Committee of Ways and Means be instructed to inquire into the expediency of making an appropriation adequate to the purchase of the reservations made in favor of the Creek and Cherokee Indians, within the territory ceded to Georgia."

Mr. TATTNALL said, if the House was not now ready to act upon the subject, unquestionably no blame could therefore be imputed to the delegation from the State of Georgia. It would be recollected that at the last session the House exhibited dissatisfaction at the attempts which were made by some of the delegation from that State to explain this matter to the House, being satisfied to act upon it without such explanation. This had induced them to be more silent at this session on the subject. It was astonishing to him, however, that gentlemen should be so ignorant of a case in which the essential rights of one of the States, and he trusted not an insignificant State, have been violated. For three years in succession memorials have been presented from the Legislature of Georgia to Congress to relieve them from a state of embarrassment which has perhaps never been equalled, and yet gentlemen were ignorant of the

merits of the question! Mr. T. dwelt further upon the length of time this subject had been under consideration, and on its intrinsic importance. If the subject were postponed now it might, for aught he knew, be postponed to doomsday. Mr. T. said he had no design to press this subject, unnecessarily, and he should disdain to take the House unawares or at advantage in regard to this or any other question; but he wished that it should be considered and acted upon before it became so late in the session that want of time should be a plea for declining to act on it at all. As a young legislator, he would not attempt to arraign the conduct of this House; but he had heard the charge so frequently brought against it, that he believed it to be well founded, that business was hurried through at the end of every session, and very much neglected in the early part of it. It was the effect of this habit that he wished to avoid in regard to this question.

Mr. Rankin said he had not charged the gentleman with any intention to take the House by surprise, or to take advantage. Not having been able to read the report of the committee on which the resolutions were founded, and presuming others to be similarly situated, all that Mr. R. now desired was, to avoid passing a vote which should be considered conclusive on the House.

Mr. Tattnall said he did not understand the gentleman as charging him with the intention of taking the House by surprise, but as being the innocent cause, at least, of its being taken by surprise. However, since it seemed that the subject had not been fully investigated by gentlemen, he was not disposed to urge a decision to-day; and therefore moved that the bill do lie on the table, giving notice at the same time that he should call it up again on Monday next.

The report was ordered to lie on the table.

ROAD THROUGH THE BLACK SWAMP, IN OHIO.

On motion of Mr. Vance, the House then resolved itself into a Committee of the Whole, on the following bill:

A Bill for laying out and making a road, from the lower Rapids of the Miami of Lake Erie to the Western boundary of the Connecticut Western Reserve, in the State of Ohio, agreeably to the provisions of the Treaty of Brownstown.

Be it enacted, &c., That the State of Ohio is hereby authorized to lay out, open, and construct a road, from the lower Rapids of the Miami of Lake Erie to the Western boundary of the Connecticut Western Reserve, in such a manner as the Legislature of said State may by law provide, with the approbation of the President of the United States, which road, when constructed, shall for ever remain a public highway.

Sec. 2. That, in order to enable the State of Ohio to open and construct said road, a tract of land, of one hundred and twenty feet wide, whereon to locate the same, together with one mile on each side thereof, and adjoining thereto, to defray the expenses of making said road, is hereby granted to said State, to commence at the Miami Rapids, and terminate at the Western boundary of the Connecticut Western Reserve, with full power and authority to sell and convey the same, and apply the proceeds to the making of said road; and in case the said tract of land shall sell for a greater sum than shall be sufficient to complete such road, then the residue thereof shall remain with the State of Ohio, as a fund for the purpose of keeping said road in repair.

Sec. 3. That, in case any of the lands, through which it may be thought expedient to open said road, may have been previously sold by the United States, the Secretary of the Treasury is hereby directed to pay such officer as the State of Ohio may appoint for that purpose, the net proceeds of the sales of a quantity equal to one mile on each side of said road.

Sec. 4. That, whenever the Governor of the State of Ohio shall have laid before the President of the United States a survey of the location of said road, and the President shall have approved the same, then the right of the State to said tract of land shall be considered as complete, for the purposes aforesaid; and the President shall direct, that, until the first day of June, one thousand eight hundred and twenty-three, none of the public lands shall be sold, within three miles on each side of a line, to be drawn direct from the foot of the Rapids of the Miami of Lake Erie to the lower Rapids of Sandusky, thence to the Western boundary of the Connecticut Western Reserve.

On a call for information of the grounds and object of the bill—

Mr. Vance briefly stated them, as they stand in the report of the committee accompanying the bill; from which it appears, that the treaty referred to in the bill was concluded on the 25th day of November, 1808, and that its exclusive object appears to have been to obtain the establishment of a practicable and convenient road from the interior settlements of the United States to those of the Territory of Michigan. Many of the tribes of Indians with whom that treaty was concluded, were, in virtue of previous treaties, entitled to receive, within that Territory, large annuities. There never had been any artificial road leading to it, except through the province of Upper Canada. Delays had, consequently, occurred in the transmission of those annuities, and reiterated complaints were made because they were not received, or, if received, frequently damaged. To obviate such difficulties, and in the expectation that many important advantages would result to them, from a measure which promised to bring them more immediately under the observation and protection of the Government, the Indians, parties to the treaty, without any other remuneration than such incidental benefits as they anticipated from the establishment of the proposed road, voluntarily ceded to the United States a tract of land of one hundred and twenty feet in width, extending from the "foot of the Rapids of the Miami of the Lake," to the western line of the "Connecticut Western Reserve," and all the land within one mile of said tract, on each side of it; and also another tract of land, of one hundred and twenty feet in width, extending from Lower Sandusky, southwardly, to the boundary line established by the Treaty of Greenville. Afterwards, in September, 1817, the Treaty of the Rapids of the Miami was concluded, (2d Session, 15th Congress,) by the subsequent ratification of which, the Indian title to the whole

country within which the contemplated roads were to be located became vested in this Government. The Black Swamp, so celebrated in the annals of our recent history, is an extensive morass, which winds round the southeastern border of Michigan; it terminates, on the north, at the border of Lake Erie, comprehending a width of about thirty miles. It extends so far southerly and southwesterly, as to interrupt all communication by land between the settlements in Michigan and those in the interior of the United States. No reliance, however, can be placed upon the individual industry of that country to construct a road over such a morass. The construction of a road must *precede* the establishment there of any considerable population, &c. The land which was asked for, Mr. V. said, was of no value to the United States at present, and could be of none until the road was made. An appropriation of land was asked for this purpose, because it was supposed it would be more readily granted than an appropriation of money. Had this road been made before the late war, Mr. V. said, millions of dollars would have been saved to the United States; and, if we should be again at war with the owners of Canada, it would be more important to this Government than any fortification, however costly, in any part of the United States. At present, for more than six months of the year the road was wholly impassable; and at the time the ordinary course of travelling to get into the States from Michigan, &c., was to go through Canada, &c. The road was of comparatively little importance to the State of Ohio, passing along her margin only, but it was of vast importance to the Territory of Michigan, &c.

On motion of Mr. SLOANE, of Ohio, the bill was amended, by adding, to the end of the third section, the words "at the minimum price."

On motion of the same gentleman, the bill was further amended, by adding to the bill a proviso that nothing in this bill contained should be construed to authorize the State of Ohio to claim any money from the Treasury for the making this road, except moneys arising from the sale of the land designated in the bill.

On motion of Mr. VANCE, the latter part of the fourth section, beginning with the words "And the President," &c., was stricken out.

Thus amended, the bill was reported to the House; and then, on motion of Mr. VANCE, who wished to give full time to gentlemen to examine the bill and report, &c., the bill was for the present ordered to lie on the table.

REPRESENTATION OF ALABAMA.

The House then resolved itself into a Committee of the Whole, on the bill to fix the apportionment of Representatives for the State of Alabama.

Mr. NELSON, of Virginia, stated the circumstances under which the Committee on the Judiciary had reported this bill. In the general apportionment bill passed at the last session of Congress, in consequence of the deficiency in the returns of the census from Alabama, a clause had been introduced, entitling the State of Alabama, if the returns yet to be received should be such as to entitle her to so many, to three representatives in Congress. From the returns received, it appeared that the actual population returned to the Department of State was, in Federal numbers, 125,401. If it had been only 120,000, it would have been sufficient to entitle that State to three representatives, so that she had a fraction of more than five thousand over the requisite number. A question had been made, whether those returns had been made within the time required by law. To remove that doubt, Mr. N. said, there was a letter from the Governor of the State, who, independent of the respect due to his official character, was advantageously known to many members of this House, stating that the census had been actually taken within the time allowed by law, and further stating that there were yet two counties in the State from which no returns had yet been received. If the testimony was not as formal as was desirable, the House could yet not fall into error in declaring Alabama to be entitled to three representatives, when she had a fraction of five thousand over the requisite number, and had, besides, two whole counties whose population had not been counted or returned. As he presumed there would be no objection to the bill under these circumstances, he moved that it be reported to the House.

The Committee rose accordingly, and reported the bill to the House. The bill was ordered to be engrossed for a third reading this day, and was subsequently read a third time, passed, and sent to the Senate for concurrence.

IMPORTS FROM CANADA, &c.

The House then resolved itself into a Committee of the Whole, on the bill to amend the act for regulating the importation of goods from the adjacent States and territories.

Mr. TOMLINSON, of Connecticut, explained the object of this bill. The act of 1821, he said, prescribes a specific penalty of four hundred dollars for the importation of any article, be its value great or small, contrary to the provisions of that act. It has been found, in practice, that the penalty was so enormous that it was not prosecuted for under that act, by the collectors. This bill proposed to substitute, for the specific penalty, a penalty of four times the value of the article imported. By that act, also, the vessel, or cart, or other vehicle, made use of in any illegal importation, was forfeited therefor. So that, should this bill pass, the vehicle and four times the value of the article imported would still be liable to forfeiture. The Treasury Department was in favor of the proposed modification of the law, it appearing not advisable to prosecute for a penalty of four hundred dollars in cases where the value of the article does not exceed forty cents, as was often the case, when persons went over the line and supplied themselves with small quantities of different articles, &c. This species of illegal importation, however, ought to be suppressed, and in order to do it, the penalty ought to be proportioned to the offence, as not, by its enormity, to prevent its being prosecuted for &c.

Mr. Mallary confirmed the statements of Mr. Tomlinson in every particular, and said that the proposed amendment of the law, or something like it, was indispensable.

The Committee then rose and reported the bill, which was ordered to be engrossed, and read a third time to-morrow.

SUPPRESSION OF PIRACY.

On motion of Mr. Gorham, of Massachusetts, the House then resolved itself into a Committee of the Whole, on the bill in addition to an act to continue in force the act to protect the commerce of the United States against pirates, and to punish the crime of piracy.

Mr. Gorham said, the object of the bill was to make perpetual certain provisions of our laws which are now only temporary. The first act on this subject was passed on the 3d of March, 1819. The first section authorized the employment of the public armed vessels to protect our commerce from piratical depredation; the second section authorized the sending pirates into our ports for adjudication, and the recapture of vessels taken by pirates; the third section authorized merchant vessels of the United States to defend themselves from piratical attacks, and to capture and send on the offending party; the fourth section subjected piratical vessels, so captured, to condemnation in the ports of the United States. This act was temporary; by the act of 15th May, 1820, these four sections were continued in force for two years, and to the end of the session of Congress thereafter, viz: to the end of the present session of Congress. The object of the bill was to make these clauses perpetual.

No objection being made to the bill, the Committee rose and reported it, and it was ordered to be engrossed, and read a third time to-morrow.

The bill further to regulate the compensation to postmasters, was next in order; and, on motion of Mr. Woodcock, of New York, it was recommitted to the Committee on the Post Office and Post Roads.

LOUISIANA LAND TITLES.

On motion of Mr. J. S. Johnston, of Louisiana, the House then resolved itself into a Committee of the Whole, on the bill providing for the examination of the titles to land in that part of Louisiana situated between Rio Hondo and the Sabine river.

On the details of this bill, there arose a desultory debate which kept the House in session to a late hour; in the course of which the principal speakers were Mr. Johnston, Mr. Rankin, Mr. Taylor, Mr. Mallary, Mr. McCoy, and Mr. Walworth.

From the statements of the two first of these gentlemen, it appeared that the object of this bill is, to put the territory described in the bill (the neutral ground, as it is commonly called) which was, by the Treaty of 1819, acknowledged by Spain to belong to the United States, on the same footing, in regard to its land titles, &c., as the other parts of Louisiana have been heretofore placed upon. The discussion consisted of inquiries and answers on these points, and observations on particular points of detail in the bill.

The bill had not been gone through, when, at nearly sunset, the Committee rose, reported progress, and obtained leave to sit again.

Tuesday, December 24.

Another member, wit: from Massachusetts, Gideon Barstow, appeared and took his seat.

Mr. Rankin, from the Committee on Private Land Claims, to which was recommitted the bill to revive and continue in force certain acts for the adjustment of land claims in the Territory of Michigan, reported a new bill of the same title, which was read twice, and committed to the Committee of the Whole to which is committed the bill to conform certain claims to lots in the village of Peoria, in the State of Illinois.

The House took up, and proceeded to consider, the resolution submitted by Mr. Tomlinson, and laid on the table yesterday; and the same being read, was agreed to by the House.

On motion of Mr. Williamson, the subject-matter of a petition presented to Congress the last session by Josiah Hook, Collector of the port of Penobscot, in the State of Maine, praying for a reimbursement of moneys recovered of him by Josiah Hoit, together with the accompanying documents, and a bill from the Senate for his relief, were referred to the Committee of Claims, with instructions to consider the expediency of granting him the relief prayed for.

On motion of Mr. Walworth, the Committee on Commerce were instructed to inquire into the expediency of removing the port of entry and delivery for the District of Champlain, from Cumberland Head to the village of Plattsburgh.

On motion of Mr. Ingham, the Committee on Roads and Canals were instructed to inquire into the expediency of appropriating money for the purpose of aiding in the completion of a canal from the waters of the Chesapeake to those of the Delaware.

On motion of Mr. Findlay, the Committee of Accounts were directed to report to this House how printers, who have heretofore furnished the members of this House with newspapers, are to receive their pay.

The House took up, and proceeded to consider, the report of the Committee of Claims on the petition of Madame Le Ray, made at the last session: Whereupon, it was ordered that the said report be committed to the Committee of the whole House to which is committed the bill for the relief of Thaddeus Mayhew.

The House took up, and proceeded to consider, the bill for the relief of certain persons who have paid duties on certain goods imported into Castine: Whereupon, it was ordered that the bill be committed to a Committee of the whole House to-morrow.

The House then went into Committee of the Whole, on the bill relating to the titles to lots in the village of Peoria, when, on motion of Mr.

COOK, who said the House did not appear, on the eve of the holydays, to be disposed to grave investigation, the Committee rose, and obtained leave to sit again.

The House took up, and proceeded to consider, the bill for the relief of William Whitehead, and others: Whereupon, it was ordered that the bill be committed to the Committee of the whole House last appointed.

The bill to amend the act regulating the collection of duties on goods imported from adjacent States and territories; and the bill to make perpetual the provisions of the act for the punishment of piracy, &c., were severally read a third time, passed, and sent to the Senate for concurrence.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting the annual report on foreign coins, &c., which was ordered to be printed.

On motion of Mr. NELSON, of Virginia, it was

Resolved, That the Committee on the Library be directed to inquire into the expediency of purchasing such a number of copies of Sergeant's Treatise on Constitutional Law, to be deposited in the Library of Congress, as may be deemed necessary for the use of the members of both Houses of Congress.

[In offering this resolution, Mr. N. made some observations on the importance of a treatise of this description, and read an extract of a letter from Judge Story, speaking in the highest terms of this work, which he says is on a plan which is novel, but as useful as it is novel, affording proofs of the author's exactness, acuteness, and accuracy, and displaying sound learning, dispassionate sentiments, and clear method.]

STATE OF THE FINANCES.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting the annual report from that department on the state of the finances; of which, on motion of Mr. MCLANE, five thousand copies were ordered to be printed for the use of the House. The report is as follows:

In obedience to the directions of the "Act supplementary to the act to establish the Treasury Department," the Secretary of the Treasury respectfully submits the following report:

1. *Of the public revenue and expenditure of the years* 1821 *and* 1822.

The net revenue which accrued from duties on imports and tonnage, during the year 1821, amounted to $15,894,434 42.

The actual receipts in the Treasury, during the year 1821, including the loan of $5,000,000, amounted to		$19,573,703 72
Viz:		
Customs	$13,004,447 15	
Public lands, exclusive of Mississippi stock	1,212,966 46	
Arrears of internal duties and direct tax; dividend on stock in the Bank of the United States, and other incidental receipts	356,290 11	
Loan authorized by act of the 3d March, 1821, including a premium of $264,703 70, gained on the same	5,000,000 00	
Making, with the balances in the Treasury, on the 1st of January, 1821, of		1,198,461 21
An aggregate of		20,772,164 93
The expenditures during the year 1821, amounted to		19,090,572 69
Civil, diplomatic, and miscellaneous	$2,241,871 54	
Military service, including fortifications, ordnance, Indian department, Revolutionary and military pensions, arming the militia, and arrearages prior to the 1st January, 1817,	5,162,364 47	
Naval service, including the gradual increase of the Navy	3,319,243 06	
Public debt	8,367,093 62	
Leaving a balance in the Treasury, on the 1st of January, 1822, of		1,681,592 24
The actual receipts in the Treasury, during the three first quarters of the year 1822, are estimated to have amounted to $14,745,408 75.		
Viz:		
Customs	$12,648,933 15	
Public lands, exclusive of Mississippi stock	1,298,484 56	
Arrears of internal duties and direct tax, dividend on stock in the bank, and other incidental receipts	391,871 76	
Balances of appropriations for the War and Navy Departments, returned to the Treasury, and carried to the surplus fund	406,119 28	
The actual receipts into the Treasury, during the 4th quarter, are estimated at	5,000,000 00	
Making the total estimated receipts into the Treasury during the year 1822		19,745,408 75

And with the balance in the Treasury, on the 1st of January, 1822, forming an aggregate of - - 21,427,000 99

The expenditures during the three first quarters of the year 1822, are estimated to have amounted to $12,278,653 32.

Viz:

Civil, diplomatic, and miscellaneous -	$1,536,434 24	
Military service, including fortifications, ordnance, Indian department, Revolutionary and military pensions, arming the militia, and arrearages prior to 1st January, 1817, - - -	4,930,210 56	
Naval service, including the gradual increase of the Navy	1,538,952 00	
Public debt - -	4,273,056 52	
Expenditures during the fourth quarter, including the redemption of the $2,500,000 of six per cent. stock of 1820, are estimated at - - - -	6,000,000 00	
Making the total estimated expenditure of the year 1822 - - -		18,278,653 32
And leaving in the Treasury, on the 1st of January, 1823, an estimated balance of - - - - -		$3,148,347 67

After deducting from this sum certain balances of appropriation, amounting to $1,232,212 11, which are necessary to effect the objects for which they were severally made, or have been deducted from the estimates, for the service of the ensuing year, a balance of $1,916,135 56 remains; which, with the receipts into the Treasury during the year 1823, constitutes the means for defraying the current service of that year.

2. *Of the public debt.*

The funded debt which was contracted before the year 1812, and which was unredeemed on the 1st day of October, 1821, amounted to		$17,833,746 84
And that which was contracted subsequently to the 1st of January, 1812, and was unredeemed on the 1st of October, 1821, amounted to		75,852,458 18
Making the total amount of funded debt, unredeemed on the 1st of October, 1821, - - - - -		93,686,205 02
In the fourth quarter of that year there was issued Treasury note six per stock to the amount of - - -		390 40
Making an aggregate of - - -		93,686,595 42
In the same quarter there was paid the sum of $262,738 75.		
Viz:		
Reimbursements of six per cent. deferred stock - -	$257,180 60	
Redemption of Louisiana stock - -	5,558 15	
		262,738 75
Reducing the funded debt, on the 1st of January, 1822, to - - -		93,423,856 67
From that day to the 1st of October last, there was issued three per cent. stock to the amount of - - -		143 02
Making an aggregate of - - -		93,423,999 69
During the same period there was paid the sum of $380,980 02.		
Viz:		
Reimbursement of six per cent. deferred stock - -	$300,980 02	
Redemption of six per cent. stock of 1796	80,000 00	
		380,980 02
Reducing the funded debt, on the 1st of October, 1822, to - - -		93,043,019 67
It is estimated that, in the fourth quarter of the present year there will be paid $2,265,588 07.		
Viz:		
Reimbursement of six per cent. deferred stock -	$265,588 07	
Redemption of six per cent. stock of 1820	2,000,000 00	
		2,265,588 07
Which will reduce the funded debt, unredeemed on the 1st of January, 1823, to - - - - -		90,777,431 60
The amount of Treasury notes outstanding on the 1st of October, 1822, is estimated at - - -		27,437 00
And the amount of Mississippi stock, unredeemed on that day at - -		26,735 94

3. *Of the Estimate of the Public Revenue and Expenditure for the year* 1823.

The gross amount of duties on imports and tonnage which accrued from the 1st of January to the 30th of September last, (both days included,) is estimated at $19,500,000, and that of the whole year at $23,000,000.

It is estimated that the amount of debentures issued during the same period exceeds the amount issued during the corresponding period of the year 1821, by $86,000; and that the amount of debentures outstanding on the 30th of September last, chargeable upon the revenue of 1823, is $234,000, more than was on the same day in 1821 chargeable upon the revenue of 1822.

It is estimated that the value of domestic articles exported from the United States in the year ending on the 30th of September last, has amounted to $49,874,079, and that foreign articles exported during the same period have amounted to $22,286,202.

As the receipts from the customs in the year 1823 depend—first, upon the amount of duty bonds which become due within that year, after deducting the expenses of collection, and the amount of debentures chargeable upon them; and, second, upon such por-

tion of the duties secured in the first and second quarters of that year as are payable within the year; it is manifest that an increase in the amount of debentures chargeable upon the revenue of the year 1823, or a diminution of the importations of foreign merchandise during the two first quarters of that year, must necessarily diminish the receipts into the Treasury. As debentures can be issued at any time within twelve months after importation, chargeable upon bonds given for the duties upon such importation, it is impossible to foresee the amount which may be chargeable upon the bonds that are payable during the year 1823. The facts, however, which have been stated, justify the conclusion that the amount of debentures which will be issued and charged upon the revenue of 1823, will considerably exceed the amount which was chargeable upon that of 1822. From the same facts, it is also presumed that the importations of the two first quarters of the year 1823 will be less than the corresponding quarters of the present year.

Giving due weight to all the facts connected with the subject, the receipts for the year 1823 may be estimated at - - - - - -		$21,100,000 00
Viz:		
Customs - -	$19,000,000 00	
Public lands - -	1,600,000 00	
Bank dividends - -	350,000 00	
Arrears of internal duties and direct tax, and incidental receipts - - -	150,000 00	
To which is to be added the sum of -		1,916,135 56
Remaining in the Treasury, after satisfying the balances of appropriations chargeable upon the revenue of 1822, which makes the entire means of the year 1823, the amount of -		$23,016,136 56
The expenditure of the year 1823 is estimated at - - - - -		15,059,597 22
Viz:		
Civil, diplomatic, and miscellaneous -	$1,599,317 35	
Milit'ry service, including fortifications, ordnance, Indian department, revolutionary and milit'y pensions, arming the militia, and arrearages prior to the 1st of January, 1817 - - -	5,134,292 75	
Naval service, including the gradual increase of the Navy	2,723,987 12	
Public debt - -	5,602,000 00	
Which, being deducted from the above sum, will leave in the Treasury, on the 1st day of January, 1824, after satisfying the current demands of the year 1823, a sum estimated at -		$7,956,538 34

Although the facts already disclosed justify the conclusion that the importations of the present year exceed the value of domestic articles exported during the year, yet there are no means of ascertaining the extent of that excess. If the custom-house documents were to be considered conclusive evidence upon this subject, it would be apparent that the nation has, through the whole period of its existence, imported more in value than it has exported. But the fact is incontestable that the United States have enjoyed a more uninterrupted prosperity, and have increased their capital to a greater relative extent, than any of the nations with whom they have maintained commercial intercourse.

To show that the custom-house documents cannot be considered conclusive evidence in this case, it is proper to observe—first, that the value of articles paying duties ad valorem, imported into the United States, is ascertained by adding to the invoice value 20 per cent. if from beyond the Cape of Good Hope, and 10 per cent. from all other places; whilst the value of all other articles exported is ascertained at the port of shipment without any such addition; second, the greatest portion of the importations and exportations are made in vessels of the United States; third, the capital employed in the trade of the Northwest coast and the Pacific ocean consists almost exclusively of the labor and enterprise of those engaged in it. Foreign articles, the proceeds of those enterprises, imported into the United States, are therefore only equivalent to the labor and enterprise by which they were procured. Fourth, the value of domestic articles exported is more imperfectly ascertained than of foreign articles imported; because it has not been considered necessary to resort to the same sanctions to enforce a compliance with the regulations which have been prescribed for that purpose. To ascertain the relative value of imports and exports, it is necessary, first, that the same additions should be made to the invoice value of the latter as are required by law to be made to the former; second, the freight of domestic articles exported in American vessels should be added to their value, after deducting from it the freight of foreign articles imported in foreign vessels; third, the value of foreign articles imported in vessels engaged in the trade of the Northwest coast and Pacific ocean, the proceeds of the labor and enterprise of those by whom they are navigated, should be added to the domestic exports; fourth, it is impossible to ascertain what addition should be made to the value of the domestic exports on account of the omission of the exporters to state correctly the value of articles exported by them; but, after making a liberal allowance for foreign articles illicitly introduced, or inaccurately invoiced, it is believed that a considerable addition should be made.

If, then, to the amount of domestic articles exported during the year ending on the 30th of September last, already estimated at $49,874,079, the additions should be made which the preceding facts and considerations appear to authorize, the value of our domestic exports during that period may be estimated at nearly $60,000,000.

Although no calculation has been completed, showing the average rate of duty upon the value of foreign articles imported into the United States, it is presumed that an importation of $60,000,000 of foreign merchandise will not produce a less revenue than $17,000,000. As the receipts from the customs during the year 1823 have been estimated at $19,000,000, it is probable that the receipts from the same source, in 1824, which will depend upon the importations of 1823, will not exceed $15,000,000. Under the most

unfavorable circumstances, it is believed that the receipts of that year will be sufficient to discharge all demands upon the Treasury which may be authorized by law.

If the current appropriations for the year 1825 shall be equal to those required by the estimates for the ensuing year, the expenditure of that year may be estimated at $28,253,597 22, viz:

Current appropriations - - -	$8,578,722 22
Permanent appropriations for arming the militia, and Indian annuities -	378,875 00
Gradual increase of the Navy - -	500,000 00
Public debt, including balances unapplied in 1823 and 1824, amounting to $18,796,000 - - - -	18,796,000 00
	$28,253,597 22

The means of the Treasury to meet this extraordinary expenditure, consist—

1st. Of the balance which may be in the Treasury on the 1st of January of that year, estimated at - -		$8,000,000 00
And, 2d. Of the receipts of that year, estimated at - - - - -		19,000,000 00
Viz: Customs -	$17,000,000	
Public Lands - -	1,600,000	
Bank Dividends -	350,000	
Incidental Receipts -	50,000	
Making together, an aggregate of -		27,000,000 00
And leaving a deficit of about - -		$1,250,000 00

In this estimate the receipts and expenditures of the year 1824 are estimated to be nearly equal. It is probable, however, that the receipts may exceed, to a small extent, the expenditures; but there is at least an equal probability that the receipts for the year 1825 are estimated too high. In the year 1826, the expenditure, assuming the current appropriations to be the same as in the year 1823, may be estimated at $19,457,000, and the receipts at $19,000,000. As the appropriation of $500,000 for the gradual increase of the Navy expires in that year, the annual expenditure may, for subsequent years, be estimated at $19,000,000, unless it shall be considered expedient to make further provision for the increase of that essential means of national defence.

It is probable that the annual revenue will be equal to that sum. To provide for the estimated deficit of the years 1825 and 1826, as well as to meet any extraordinary demands upon the Treasury, which unforeseen exigencies may require, it is believed to be expedient that the revenue should be increased. This may be conveniently effected by a judicious revision of the tariff; which, while it will not prove onerous to the consumer, will simplify the labors of the officers of the revenue. At present, articles composed of wool, cotton, flax, and hemp, pay different rates of duty. Difficulties frequently occur in determining the duties to which such articles are subject. The provision in the tariff, that the duty upon articles composed of various materials shall be regulated by the material of chief value of which it is composed, is productive of frequent embarrassment and much inconvenience. It is, therefore, respectfully submitted, that all articles composed of wool, cotton, flax, hemp, or silk, or of which any of these materials is a component part, be subject to a duty of twenty-five per cent. ad valorem.

The duties upon glass and paper, upon iron and lead, and upon all articles composed of the two latter materials, may also be increased with a view to the augmentation of the revenue. In all these cases, except articles composed of silk, it is probable that the effect of the proposed augmentation of duties, will gradually lead to an ample supply of those articles from our domestic manufactories. It is, however, presumed, that the revenue will continue to be augmented by the proposed alterations in the tariff until the public debt shall have been redeemed; after which the public expenditure, in time of peace, will be diminished to the extent of the Sinking Fund, which is, at present, $10,000,000. But if, contrary to present anticipations, the proposed augumentation of duties should, before the public debt be redeemed, produce a diminution of the revenue arising from the importation of those articles, a corresponding, if not a greater, augmentation may be confidently expected upon other articles imported into the United States. This supposition rests upon the two-fold conviction, that foreign articles, nearly equal to the value of the domestic exports, will be imported and consumed; and that the substitution of particular classes of domestic articles for those of foreign nations not only does not necessarily diminish the value of domestic exports, but usually tends to increase that value.

The duties upon various other articles, not in any degree connected with our domestic industry, may, likewise, be increased with a view to the augmentation of the public revenue. If the existing tariff shall, during the present session of Congress, be judiciously revised for the purpose of augmenting the revenue, it is confidently believed that it will not only be amply sufficient to defray all the demands upon the Treasury at present authorized by law, but that there will remain an annual surplus, subject to such disposition, for the promotion of the public welfare, as the wisdom of Congress may direct.

Under the act of the 20th April last, authorizing the exchange of certain portions of the public debt for five per cent. stock, $56,704 77 only have been exchanged. The increased demand for capital, for the prosecution of commercial enterprises during the present year, and the rise in the rate of interest, consequent upon that demand, which were not anticipated at the time that the measure was proposed, have prevented its execution. Existing circumstances do not authorize the conclusion, that a measure of this nature will be more successful during the next year. If the price of the public debt, in 1825, should be as high as it is at present, any portion of it, redeemable at the pleasure of the Government, which should be unredeemed in that and subsequent years, after the application of the Sinking Fund to that object, may be advantageously exchanged for stock redeemable at such periods as to give full operation to the Sinking Fund. This may be effected, either directly by an exchange of stock, or indirectly by authorizing a loan to the amount of stock annually redeemable beyond the amount of the Sinking Fund applicable to that object. All which is submitted.

WILLIAM H. CRAWFORD.

Treasury Department, *Dec.* 23, 1822.

LOUISIANA LAND TITLES.

The House again resolved itself into a Committee of the Whole, on the bill for examining the titles to land in Louisiana, between the Rio Hondo and the Sabine river.

Mr. JOHNSTON, of Louisiana, moved to amend the bill, so as to recognise the validity of the titles of all persons who had made actual settlements prior to the Treaty of 1819, with Spain, so far as to take a registry of their claim, &c.

This amendment Mr. J. supported with much earnestness and feeling, arising out of the present situation of those settlers, who are now liable to removal by force, as intruders on the public lands, without having any other ground to which they can safely retire, &c.

After a few observations from Mr. RANKIN, the question was taken on Mr. JOHNSTON'S motion, and decided in the negative.

Mr. JOHNSTON then moved to amend the bill by adding thereto the following as a new section:

"And that every person claiming a preference in becoming a purchaser of a tract of land, in virtue of this act, shall make known his claim by delivering a notice, in writing, to the register of the land office for the district in which the land may lie, wherein he shall particularly designate the tract of land he claims; which notice the register shall file in his office, on receiving twenty-five cents from the person delivering the same; and, in every case where it shall appear to the satisfaction of the register and receiver of the public moneys of the land office, that any person who has delivered his notice of claim is entitled, according to the provisions of this act, to a preference in becoming the purchaser of three hundred and twenty acres of land; such person, so entitled, shall have a right to enter the same with the register of the land office at the minimum price, on producing a receipt from the receiver of public moneys, for the amount of the purchase moneys, as in case of other public lands sold at private sale: *Provided*, That all lands to be sold under this act, shall be entered with the register, at least two weeks before the time of the commencement of the public sales in the district wherein the land lies; and every person having a right of preference in becoming the purchaser of a tract of land, who shall fail to make his entry with the register, within the time prescribed, his right shall be forfeited.

And the question being taken on agreeing to this amendment, it was decided in the negative.

The Committee then rose and reported the bill.

On the question to order the bill to be engrossed for a third reading—

Mr. JOHNSTON said, having failed in his proposition to amend the bill, he felt now no anxiety respecting its passage, as it contained no provisions of material interest to the people whom he represented. He was at a loss what course to take in regard to it, having been so greatly disappointed in not obtaining the consent of the House to the reasonable amendments which he had proposed. Under these circumstances, he moved that, for the present, the bill do lie on the table.

The bill was, accordingly, ordered to lie on the table.

AID TO THE GREEKS.

Mr. DWIGHT said he was requested to present the memorial of William Thornton, Walter Jones, and one hundred and fifty other respectable citizens of the District of Columbia, in behalf of the Greeks. Whatever doubts this House might entertain in regard to the specific appropriation prayed for by the memorial in behalf of this interesting and unfortunate people—doubts which he felt himself constrained to say he entertained not less sparingly than any gentleman upon the floor; he felt assured that they would all concur in the opinion that the sentiments of the memorialists were not less honorable to them than accordant to the spirit of this nation. Indeed, he was quite sure he did not exaggerate when he asserted that there was a sympathy, deep and universal, throughout the country, in behalf of this oppressed and injured nation. The memorialists, in reply to the charge of enthusiasm in relation to a remote and feeble people struggling for liberty against the power of the Ottoman Empire, would have a right to call upon the House to recollect that not half a century had elapsed since a less numerous, though more enlightened people, had successfully made war upon the most powerful nation on earth; and that, too, for evils which, compared to the massacre of Chios and the tyranny of those inhuman masters, were easily to be borne. Nor, sir, will the House need to be reminded that not half a dozen years have elapsed since the intrepid and eloquent advocate of South American independence, stood in a small minority upon this floor, and upon a question, too, which, at the last session, was carried in this House by acclamation. Indeed, but yesterday we were told that the recognition of South American independence was no longer opposed by the British Government, because it can no longer be resisted. Regard to the just interests of our own country, perhaps, ought to prevent our making the appropriation prayed for; but no considerations of delicacy or propriety could deter the memorialists from the expressions of feeling in behalf of the Greeks against a nation with whom we have never had negotiation, or truce, or treaty. The House would view, with an interest proportioned to the importance of the question, that, should Liberty be now unable to maintain herself in Greece, the country of her earliest temples and longest worship, she would cease to have a footing on either of three continents, or an existence in the governments of six hundred millions of people. He did not mean, by the remarks he had made, to commit himself to any ulterior measures upon the subject; but he thought it his duty not to refuse an application from so respectable a source, and particularly from a portion of our citizens who are unrepresented upon this floor. For the purpose of obtaining the opinion of the House as to the destination of the memorial, he would now move that it be read, and he hoped that some gentleman of more experience than himself would move for it such reference as the House might think proper to give it.

[The memorial which Mr. D. here presented is signed by one hundred and thirty-eight citizens of Washington and Georgetown, praying of Congress "to appropriate two or three millions, in 'provisions, and whatever may be necessary to 'the Greeks, as an easy and honorable mode of 'acknowledging the aid, bounty, and obligation 'received from France in like circumstances."]

The memorial was read; when

Mr. Wright said he trusted this House was not prepared to commit the peace of this nation, by interfering, in any manner, in the contests of Europe. We all sympathize with every people struggling for their liberty, and wish them success in the establishment of the rights of man, by their independent self-governments. By our Constitution, said Mr. W., every man has a right to petition for a redress of *his* grievances; but this petition is from a number of philanthropists petitioning for others, not within the purview of the Constitution. That the Chief Magistrate, the Senate, and the House of Representatives, feel all the sympathies for the Greeks that their situation is calculated to impress, there can be no doubt. Whatever measures shall be thought proper by the Government, will, no doubt, be adopted. The Executive is as well informed as the memorialists of the situation of the Greeks; and, Mr. W. said, he had no doubt that every department of the Government, in which the people have reposed their confidence, will do its duty; but he hoped they would not be led astray by any feelings of philanthropy, in any measure inconsistent with the public interest committed to their care. We have seen, with great pain, Mr. W. said, the bloody contests that have desolated the regions of the other hemisphere, and we have rejoiced at every success of the Grecian arms; and he had no doubt, that, whenever they shall establish the fact that they are independent, we shall promptly, and with pleasure, acknowledge it, as we did in the case of the Governments of South America, in our own hemisphere. There, said Mr. W., the finest feelings of our nature were justly kept in check by the wisdom and equanimity of the Chief Magistrate, till the happy epoch when it was thought proper by him it should be declared. And could any man look back upon that scene, and not admire the wisdom and paternal care of the Chief Magistrate? We know his feelings towards the Greeks, by his message at the opening of the session, are surpassed by those of none of us, nay, even of the petitioners. He, with all the information necessary to the perfect understanding of our foreign relations, has an eye to the best interests of our country; and the case of South America inspires the confidence of the American people, that their peace and happiness will continue to govern his Administration. The bloody contests that disturb the repose of revolutionized Spain and Portugal, under the impious influence of the priests, Mr. W. said, elicit our execrations against those bloody pontiffs who seem prepared to sacrifice every friend to civil liberty on the altars of persecution; and, indeed, the recent evidence of the conduct of Ferdinand, induced fears that he and these priests had confederated in the restoration of their former Government.

Mr. Dwight said, it was a respect due from him to the subject, and to the personal characters of the petitioners, to move to refer the memorial to the Committee on Foreign Relations.

Mr. Rhea called for the reading of the passage of the Message of the President of the United States which refers to the cause of the Greeks. He then expressed his opinion that a neutral position was the best for the United States, however we might wish success to the cause of the Greeks. This was the sentiment, also, emphatically of the President of the United States, who had expressly limited the extent to which we should go, both with regard to our own duty to ourselves and foreign nations, and also to the rights of other nations. This memorial, Mr. R. said, called upon this House to go beyond that point, and to place itself in conflict with the Executive on this subject. To this course, Mr. R. said, he was not disposed to give countenance by referring this petition to the Committee of Foreign Relations.

Mr. Dwight then rose, and said he was induced by the suggestions of some gentlemen, for whose opinions he had the highest respect, to withdraw his motion for referring the memorial to the Committee of Foreign Relations, and moving to lay it on the table.

The memorial was accordingly ordered to lie on the table. And the House adjourned to Friday.

Friday, December 27.

A message from the Senate, by Mr. Cutts, informed the House that the Senate have passed a bill, entitled "An act for the relief of the heirs and representatives of Alexander Montgomery, deceased," in which they ask the concurrence of this House.

Mr. McLane, from the Committee of Ways and Means, to which was referred the bill from the Senate, entitled "An act for the relief of Samuel H. Walley, and Henry G. Foster," made a detailed report, recommending that the said bill be rejected. The bill was committed to a Committee of the Whole.

Mr. McLane reported, without amendment, the bill from the Senate for the relief of Jacob Babbit. On the proper mode of disposing of this bill, (which proposes to remit the interest on certain duties payable on goods destroyed by the violent storm at Providence, in the year 1815,) there arose some debate. Mr. Cocke and Mr. Walworth wished it referred to a Committee of the Whole. Mr. McLane wished it to go at once to a third reading; which course he supported by an argument showing the equity of the bill. Mr. Durfee seconded the motion of Mr. McLane, by a number of remarks, showing the reasonableness of the bill, and its conformity to the general principles of our revenue laws. Mr. Tomlinson wished it to go to a committee for discussion of the bill, which contained a new principle, never recognised as a general rule, and but once even as exception to the general rule, (in the case of the remission of duties on foreign goods destroyed by the fire at Savannah.) In the end, the bill was, on motion of Mr. Cocke, referred to a Committee of the Whole.

Mr. Cocke, from the Committee on Revolutionary Pensions, reported a bill supplementary to the acts to provide for certain persons engaged in the land and naval service of the United States in

the Revolutionary war; which was read twice, and committed to a Committee of the Whole.

On motion of Mr. McLANE, it was ordered that the Speaker do appoint a member of the Committee of Ways and Means, in the place of Mr. SMITH, who is elected to the Senate, and Mr. INGHAM was appointed.

On motion of Mr. WILLIAMS, of North Carolina, the Committee on Military Affairs were instructed to inquire into the expediency of allowing to the officers of the army a salary, or stated sum of money, per year, instead of pay and emoluments, as now allowed by law.

On motion of Mr. SIBLEY, the Committee on the Public Lands were instructed to inquire into the expediency of authorizing the Secretary of the Treasury to locate, in tracts of not less than two entire sections each, in any part of the Territory of Michigan, where the public lands shall have been surveyed, a quantity of land equal to one entire township of six miles square, which was reserved and granted to the Territory of Michigan, for the use of a seminary of learning, by the act of Congress of the 26th of May, 1804; and that said committee do also inquire into the expediency of providing, by law, for the leasing of said lands, when located, as well as the lands reserved in each township in said Territory for the use of schools; and the protection of the same against waste and injury, by trespass, or otherwise.

On motion of Mr. McCOY, the Committee of Claims were instructed to report a bill in addition to the act for the prompt settlement of public accounts, and for the punishment of the crime of perjury.

[Mr. McCOY stated his object to be, to get before the House again a bill which was before Congress at a former session, but was not acted upon for want of time.]

The bill from the Senate for the relief of the legal representatives of Alexander Montgomery, deceased, was twice read and committed.

Mr. NELSON, of Maryland, presented the following resolutions of the Legislature of Maryland:

BY THE HOUSE OF DELEGATES,
December 13, 1822.

Whereas, the great National Road leading from Cumberland to Wheeling, which is of such incalculable advantage in facilitating the intercourse between the Atlantic and Western States, and which was constructed at a great expense, has already suffered from the want of that regular superintendence, and of those repairs, which are necessary to the preservation of such a work; Therefore,

Resolved, by the General Assembly of Maryland, That the Senators and Representatives of this State, in Congress, be requested to use their best exertions to procure the immediate passage of a law, by Congress, making a sufficient appropriation to repair the great National Road leading from Cumberland to Wheeling.

Resolved, That the Governor be, and he is hereby, requested to cause a copy of this resolution to be transmitted to each of the Senators and Representatives of this State in Congress. By order:

JOHN BREWER, *Clerk.*

The resolutions were read and referred to the committee to whom the subject is referred.

REVOLUTIONARY CANADIAN REFUGEES.

Mr. WALWORTH submitted for consideration the following resolution:

Resolved, That the Committee on Revisal and Unfinished Business be instructed to inquire into the expediency of reviving and continuing in force, for a further time, the acts of the 7th of April, 1798, and of the 24th of February, 1810, which provide for the relief of the refugees from the British Provinces of Canada and Nova Scotia, agreeably to the resolutions of Congress, of the 22d of April, 1783, and the 13th of April, 1785.

Some opposition appearing to this resolution—

Mr. WALWORTH stated the object of it. In the year 1783, the Old Congress, by resolution, promised to make provision for those persons who were obliged to take refuge in the United States during the war of the Revolution. In 1785, this pledge was renewed in the same manner. Nothing was done towards the redemption of these pledges, until the year 1798, when a law passed for their relief, the duration of which was limited to two years. In consequence of the shortness of the limitation, a great many of those who were entitled to relief did not obtain it. In 1810, the law was revived for another short term of time, and then suffered to expire, before some of these persons had ascertained that such a law had ever passed. He wished this law to be now revived, that three or four of his constituents, who had no knowledge of the law whilst it was in force, might now obtain the benefit of it. Mr. W. said, he could not see any just reason why the United States should establish a statute of limitations in bar of equitable claims against the Government. He himself knew one person who was driven from his home during the Revolution, and sacrificed an immense property, who was now in his seventieth year, pining in want. It was for the relief of such objects as this that he wanted the bill passed.

Mr. BASSETT suggested that, if the cases were so few it would be much better to act upon them individually, instead of passing any general law upon the subject. He was not an advocate for an act of limitation further than it was necessary to guard the Government against impositions, but limitation to claims seemed in that point of view to be necessary.

Mr. WALWORTH said, he could not undertake to say how many cases there were in other parts of the United States. It was not on the individual cases that he relied for the ground of his motion, but it was the principle of the case that he spoke of. Whether there were one, two, twenty, or two hundred cases, it was the duty of the Government to provide for them. This law would moreover, grant nothing to the claimants, but merely authorize them to bring forward their claims for Congress to pass upon.

Mr. VANCE said, the land set apart for the location of land warrants in the case of the Canadian refugees, was within the limits of the State of Ohio, and, as soon as the warrants were located

under the former law, the Government had ordered the whole of the remainder of the land to be surveyed and sold. The titles to the lands thus sold, and now highly improved, ought not to be disturbed, or in any manner affected by reviving the obsolete law which set apart that land for a particular purpose.

The question was then taken on agreeing to Mr. WALWORTH'S resolution, and decided in the negative—59 to 45.

On motion of Mr. SIBLEY, the Committee on the Public Lands were instructed to inquire into the expediency of erecting a new land district in the Territory of Michigan, to embrace the lands lying in the Saguina county of Lake Huron, to which the Indian title has been extinguished.

CHARGES AGAINST JUDGE TAIT.

The SPEAKER laid before the House a letter, addressed to him by Edwin Lewis, of the State of Alabama, preferring charges of improper, corrupt, and extra-judicial conduct, against Charles Tait, Judge of the District Court of the United States for the district of Alabama, and soliciting an inquiry, by this House, into the correctness of said charges; which letter was read, as follows:

MOBILE, Nov. 26, 1811.

To the Honorable the Speaker
of the House of Representatives:

SIR: I enclose several charges against Judge Tait, which I wish you to lay before Congress, together with the enclosed documents. If Judge Tait is sustained in his tyrannical conduct towards me as an American citizen, and in his mock proceedings in the African slave cases, I shall no longer boast of being a free citizen of a free country; and I believe, from a fair, impartial view of the proceedings in the case of the United States *vs.* English, for importing slaves contrary to the laws of Congress, as well as in the cases of three vessels captured with African slaves, that no one will likely again attempt to prosecute, under the laws of the United States, made with a view to prohibit the slave trade; as the parties who have heretofore approached the court have had no success, but have been subject to every obstacle, vexation, delay, and disgusting mockery. And the secret reason that Judge Tait refused me to be sworn in as an attorney was, no doubt, owing to my having expressed opinions opposed to the proceedings of the Attorney for the United States. In fact, sir, what apology is there for all this delay, when the records prove, by the very claims of the parties filed, that the most aggravated cases of violations had actually been committed? Do not the claimants, Messrs. ———— of Havana, whose names are made use of,* assert that they did ship, in and upon the American schooner Constitution, eighty-four African slaves, &c.? Is not this, sir, equal to a plea of guilty of the facts alleged? Why postpone the case at all, in the first instance? And why now stay the execution on the judgment, and order of condemnation on bonds, for $150, in each case? The appeal to the Supreme Court was not carried up to the last term. Whether it will be carried up to next term, or ever, is a very doubtful case with me. Thus, we see property, worth more than $100,000 at the time of capture, yet unsettled, and a great part of it totally lost. And, in the prosecution of English, the proof was most positive. But what can justify the keeping the witnesses tending court, riding hundreds of miles, court after court, at the expense of Government? Why not discharge the witnesses? I acknowledge the insulting indignity offered to me by Judge Tait is irreconcileable to my feelings, and highly aggravated, when I am so well convinced it was to favor the importers of slaves, in violation of the laws of Congress, as I defy Judge Tait, and all the world, to bring any charge against me to be tried by a tribunal that would disqualify me. This, Judge Tait was well aware of, or he would never have ventured this act of tyranny at the hazard of his reputation, if any other means had existed. I will add, sir, that, if Judge Tait is to be sustained in this conduct, I have no hesitation in asking, what avail are all the laws of Congress against the slave trade, without an efficient judiciary, without a judge, and officers of the court, who will execute the laws? With great regard, &c., your very obedient servant, E. LEWIS.

The letter having been read—

Mr. MOORE, of Alabama, said he was willing that there should be some investigation into this matter. It was due to the individual charged, and to the person making the charges, that there should be an investigation. He moved, therefore, that the communication and accompanying documents should be printed, and referred to the Committee on the Judiciary.

Mr. COCKE, of Tennessee, said, he had no objection whatever to the reference of these papers to the Committee on the Judiciary, but the motion to print the documents, without any accusation being framed in this House against the judge, Mr. C. thought was going beyond the line of strict duty. If the committee should be of opinion that there was just ground of accusation against Judge Tait, then the papers might be printed; but until that was done, he should think it was doing great injustice to Judge Tait to print documents, the printing of which might have the effect to blast his reputation, as seeming to suppose that the charges of this individual against him were well founded.

Mr. SANDERS, of North Carolina, said he had been a member of the committee at the last session, to whom a communication, of similar import to this, had been referred, and a general impression prevailed that the writer must be a madman. Those who examined the papers were entirely satisfied that no injustice had been done to this man. If the gentleman from Alabama considered these papers entitled to any credit, it would be his duty to have a select committee raised to examine them. Mr. S. was confident the Committee on the Judiciary would not look into them, because, as far as it did look into the similar papers at the last session, the committee was satisfied they were not worth its notice.

Mr. WILLIAMS, of North Carolina, said, if he did vote for the reference of these papers, it would be with the most perfect conviction, on his mind, that the inquiry would result in the clear acquittal of the judge who is accused. The gentleman

* The slaves actually belonged to American citizens, several of whom I could name.

who had thought proper to bring forward these charges, was no stranger to many members of this House; and the gentleman who last spoke had informed the House that some members of the Judiciary Committee, at the last session, believed him to be insane. He believed the whole history of that person's life was such as in some degree to justify this impression, and it was high time that Congress should cease to be harassed by him. He was totally opposed to printing the documents in this or any case presented to the House, before they had passed under the review of a committee. Suppose these accusations should turn out, as he had no doubt they would turn out, to be frivolous and unworthy of the consideration of the House; would it not be a subject of regret, that so much importance had been given to these papers as to print them?

Mr. MOORE assured the House that he was far from desiring to take any course which should blast the reputation of Judge Tait, as the gentleman from Tennessee himself. He did not suppose such would be the effect of printing the papers. Mr. M. said he was not like the gentleman from North Carolina, who seemed to have prejudged this case, and to be acquainted with the petitioner. Mr. M. had never seen the man, though he had heard of him; but, as to the petitioner's integrity, he thought the gentleman had prejudged the case. He knew nothing which should prevent him from being heard when preferring charges in an attitude so imposing as these. The letter contained some evidence of more importance than mere hearsay. It referred to documents taken from the records of a court. It certainly could not blast the reputation of an individual to print what was matter of record in a court. This man was entitled to be heard, he thought; but, to accommodate the gentlemen, he withdrew that part of his motion which related to printing the papers, and varied his motion so as to read as follows:

"*Resolved*, That the communication and accompanying documents of E. Lewis, Esq., impeaching the official conduct of Charles Tait, one of the judges of the United States court for the district of Alabama, be referred to the Committee on the Judiciary; *and that they be instructed to inquire into the propriety of the official conduct of the said Charles Tait, and report the result of their inquiry.*"

Mr. WILLIAMS said he had avowed, when up before, that he was not opposed to the reference of this memorial, &c. This declaration might have assured the gentleman from Alabama that he was not disposed to prejudge the case. Nor, Mr. W. said, did he pretend to any acquaintance with the person who had forwarded this memorial. It was his character, and not his person, he said, that was known to many members of this House; and how known? Some six or eight years ago, it would be recollected by many members, this Mr. Lewis sent forward, more than once, some very grave charges to this House, against Judge Toulmin, who was then one of the judges of the United States for the Territory of Alabama. The House at length took them up, and appointed a committee to investigate them. The committee, having done so, reported the charges to be frivolous and unfounded. The gentleman from Alabama himself recollects that, at the last session, the same individual preferred charges against Judge Tait, and we are now assured, by a member of that committee, that it was believed by some of them, after examining them, that the man was not in his right senses. But, notwithstanding all this acquaintance with the memorialist, Mr. W. was willing his charges should be investigated. But, how long, said he, are we to be troubled in this way? I suppose, if he sends us on frivolous charges against the judges for ninety and nine times, we are patiently to hear him the hundredth time, even though, as now, he intimates he has no new matter to present to the House. It was due to the character of the House that a stop should be put to such proceedings, and he hoped, after this investigation, to hear no more of this person's charges, &c.

Mr. WRIGHT said he had a perfect recollection of the case of Judge Toulmin, against whom charges were preferred by this Mr. Lewis; and the committee which investigated that subject found the conduct of the judge to have been perfectly unexceptionable. Members who represented States on this floor, Mr. W. said, ought to be very cautious how they brought matters of this sort into the House, and ought not to do it but upon their own belief in the truth of the accusations. He recollected, at the last session, the Speaker and other members having received letters from madmen, complaining of supposed grievances, &c.—and in the course of his experience, every member of Congress will recollect such cases. If there has been any thing wrong in the judicial decisions of Judge Tait, they are subject to revision in a higher tribunal, and can there be set aside or corrected. This was a case of every day's occurrence, without any imputation being cast on the court below for its decision, &c. The House would have nothing else to do, if it were to undertake the duty of the higher courts in this respect, &c.

Mr. CONDICT moved to amend the resolution by striking out all that part of it which is in *italic*, so as to leave the subject free of instructions to the committee.

Mr. SANDERS said, after what had passed, he should consider it the duty of the Committee on the Judiciary to examine into the subject, and make full report upon it, however frivolous he himself might have considered the accusation.

Mr. ROSS, of Ohio, said it was the right of every citizen to petition this House, when he feels himself aggrieved by the conduct of any public officer, and to have that conduct examined into. If any one department of the Government ought to be more especially pure than another, it was certainly the Judiciary. It was due not only to the accuser, but to the accused, that this reference should be made. There was no evidence before the House, that this man was of such a character that his statements were not worthy of attention. What, Mr. R. asked, do the people send us here

for? Why is this House invested with such important inquisitorial powers, if it be not that it may examine into any alleged or reported abuses of the Government? Mr. R. was opposed to the amendment proposed; he wished the committee to have all the power, all the instruction, which the resolution will give them, if passed as it now stands.

Mr. Moore expressed his deference for the years and information of the gentleman from Maryland; but, so far as the gentleman seemed to suppose that he had brought forward the memorial, he would remark, if censure was due for its being brought before the House, he (Mr. M.) was free from it, and the gentleman should have addressed himself elsewhere. [Mr. Wright explained; he thought that Mr. Moore, and not the Speaker, had presented the memorial.] Mr. M. said he had not imputed to the gentleman from North Carolina the having prejudged *the case*, but the character of the individual who had forwarded it to the Speaker. So far as the official course of the judge is implicated by the documents which he has forwarded, and no farther, does Mr. Lewis wish an inquiry. Mr. M. said that he had himself heard charges made against Judge Tait, and by men of respectability—by men inferior to none on this floor in point of character, in relation to the condemnation of those slaves spoken of in the letter which had been read. This charge has been made by others than Edwin Lewis; by individuals of as good standing and character as most of us can boast of. The documents furnished by Mr. Lewis in support of the charges, whatever they may be, are taken from the records of the court, and therefore entitled to credit. The inquiry was due, he said, to the person who holds the office, to vindicate his judicial character, and it was due also to the individual who had preferred the charges against that officer.

Mr. Nelson, of Maryland, was in favor of the amendment. If the gentleman from Alabama had contented himself with moving a reference of the papers to the Committee on the Judiciary, he for one should have made no objection; for, however disposed he might be to guard the judiciary against malevolent vituperations, he was not disposed to rescue them from charges, supported, or pretended to be supported, by evidence. He thought the inquiry ought to be made. But what was proposed by the gentleman from Alabama? Was it a simple reference of the memorial, according to the usage of this House? No; but to refer it, by a resolution which, in itself, amounts to an implication upon the character of the judge, and calls upon this House in some degree to sanction the charges against him. If the gentleman from Alabama was to be understood as proposing this resolution on grounds independent of the papers presented by the memorialist, Mr. N. said he could cheerfully vote for the resolution; but, if it rested on no other foundation than this petition, he would not give to it so much importance and consideration as to consent to the adoption of a resolution which does implicate the conduct of Judge Tait. And, Mr. N. said, under what circumstances are we asked to sanction this imputation? This petition was presented to this House at the last session; the Committee on the Judiciary had it under their consideration, and they found nothing in the petition or documents to induce them formally to investigate the case. Now, Mr. N. put it to the House, and particularly to the gentleman from Alabama, whether, after having once examined the case, and the committee being satisfied that there was no reasonable ground for complaint against the judge, it was becoming in the House to lend its sanction to a resolution deliberately implicating the character of a judge? If the gentleman would consent to lay his resolution on the table, Mr. N. said he would vote for the reference of the papers; but he could not consent, and he was sure this House would not, viewing it as he did, consent to pass this resolution.

Mr. Moore said, as far as was consistent with what he believed to be his duty, he was disposed to accommodate gentlemen, and he wished he could accommodate the gentleman from Maryland to the extent of his wish; and he assured him, that if the effect of his resolution would be to make an imputation upon the character of a judge without just ground for it, he should be glad the business would take that course which the gentleman proposed. But, Mr. M. said these papers had not been read; nor were they read at the last session; he therefore wished to have a report upon them from the Judiciary Committee. And what have we to dread, said Mr. M., if they should be required to inquire into the truth of the charges? No more injury could be done to the character of the judge by asking them to inquire into this matter, than would be done by a bare reference of the documents.

Mr. Conner moved to lay the resolution on the table.

The motion was negatived—ayes 63, noes 64.

Mr. Archer, of Virginia, said, if the gentleman would withdraw his resolution, and move a reference of the papers simply, there would not be a dissenting voice on the question. But, if this form of proceeding was persisted in, there would be a division on the question, when there was in truth no objection to the reference of the memorial, but to the mode of doing it.

The question on striking out the latter part of the resolution having been previously agreed to—

Mr. Condict moved to lay the resolution, as amended, on the table; which motion was negatived—ayes 61, noes 62.

The question was then taken on agreeing to the resolution, and decided in the affirmative—ayes 71. So it was

Resolved, That the communication and accompanying documents of E. Lewis, Esq., impeaching the official conduct of Charles Tait, one of the judges of the United States court for the district of Alabama, be referred to the Committee on the Judiciary.

After announcing the decision—

The Speaker rose, and said, that, in regard to these papers, whatever might be his personal feeling, he did not think that he had a right to forbear laying them before the House. He had sometimes

felt hesitation in laying before this House papers forwarded to him as Speaker; and in cases where the matter contained in them was obviously libellous, he had forborne. But a charge of the nature of this, though it may, as he trusted it would, turn out to be utterly libellous, might be otherwise, and the Speaker thought he had not the right to withhold the papers from the House.

The House adjourned to Monday.

MONDAY, December 30.

Mr. FORWARD and Mr. STEWART presented petitions from sundry inhabitants of the State of Pennsylvania, praying for the aid of Congress in opening a water communication between the head waters of the rivers Potomac and Ohio.

Mr. MCLANE presented a memorial and petition of the President and Directors of the Chesapeake and Delaware Canal Company, praying for the aid of Congress to enable them to complete the objects of their undertaking; which several petitions were referred to the Committee on Roads and Canals.

Mr. NEALE presented a petition of the levy court of the county of Alexandria, in the District of Columbia, signed by Francis Peyton, praying that the powers of the said court may be more distinctly defined and enlarged; which petition was referred to the Committee for the District of Columbia.

On motion of Mr. WALKER, the Committee of Ways and Means were instructed to inquire into the expediency of making an appropriation adequate to the extinguishment of the reservations granted to the Creek and Cherokee tribes of Indians, by the treaties concluded on the 9th of August, 1814; on the 8th of July, 1817; and on the 29th of February, 1819.

Mr. NELSON, of Virginia, submitted the following resolution, which was read, and ordered to lie on the table one day:

Resolved, That the President of the United States be requested to lay before this House such information as may be in possession of any of the Departments, relating to the proceedings of the Board of Commissioners appointed to adjust the land titles in the Territory of Florida.

The SPEAKER laid before the House a letter from the Governor of the State of Pennsylvania, enclosing the return of the election of DANIEL UDREE, one of the Representatives from that State; which were referred to the Committee of Elections.

CHEROKEE AND CREEK TREATIES, &c.

The House proceeded to consider the report of the Committee of the Whole on the state of the Union, upon the joint resolutions for carrying into effect certain articles of agreement entered into between the United States and Georgia, on the 24th of April, 1802, appended to the report made by a select committee on the 7th of January last; which said resolutions are as follow:

1. *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That so much of the above treaties (between the United States and the Creek and Cherokee Indians, concluded on the 9th of August, 1814; 8th July, 1817; and 27th February, 1819,) as pretends to grant to the Indians fee simple titles to lands within the limits of Georgia, is a violation of the sovereign rights of that State.

2. *Resolved*, That so much of the said treaties as purports to grant to the Indians the rights of citizenship, is a violation of the rights of Congress.

3. *Resolved*, That the sum of —— be appropriated for the purpose of holding treaties with the Creek and Cherokee Indians for the extinguishment of their title to lands within the limits of Georgia.

4. *Resolved*, That so much of the treaty, made the 27th of February, 1819, as directs a large portion of the public lands to be sold, and the proceeds to be vested in some public stock by the President of the United States, and to be disposed of by him for the benefit of the Cherokee Indians, does not accord with the policy of the General Government, and the power of Congress over the public property.

The amendment reported from the Committee of the Whole proposes to strike out the three first resolutions, and in lieu thereof to insert as follows:

"*Resolved*, That it is expedient and proper that an appropriation be made by Congress, of a sum adequate to the extinguishment of the Indian title to the reserves embraced within certain treaties of the 9th of August, 1814; 8th July, 1817; and 27th February, 1819; with the Cherokee and Creek Indians, and that the Committee of Ways and Means be instructed to report an appropriation in conformity with this resolution."

Mr. TATTNALL then, understanding that his desire to obtain an early report and full investigation of this subject would be as well answered by adopting the amendment proposed by Mr. RANKIN, when the subject was last under consideration, as by his own motion, and having also consulted his colleagues on the subject, withdrew his opposition to it, and expressed his hope that it would be agreed to.

Mr. F. JONES expressed some objection to the resolve, on the ground that it was supererogatory; a resolution embracing all reservations, in other States as well as Georgia, having passed this House.

Mr. TATTNALL rejoined, that it was the object of himself and his colleagues that the case of reservations within the limits of the State of Georgia should be separately examined and acted upon.

The resolution, moved by Mr. RANKIN, was then agreed to by the House, in the following words:

Resolved, That the Committee of Ways and Means be instructed to inquire into the expediency of making an appropriation adequate to the purchase of the reservations, made in favor of the Creek and Cherokee Indians, within the territory ceded to Georgia.

MILITIA, ARMY, AND NAVY.

The House then, on motion of Mr. CANNON, proceeded to the consideration of sundry resolutions submitted by him on the 11th instant, in the words following:

Resolved, That it is expedient to provide for the national defence by improving the militia of the United States.

Resolved, That the Committee on Military Affairs be instructed to inquire whether it is most expedient to improve the militia throughout the United States, by means of the Military Academy, or that of the encampment of the officers, by brigades, or otherwise, under proper regulations.

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of continuing the preference given to the cadets educated at the public expense, in the Military Academy at West Point, in entering the public service, over others of equal qualifications and merit, who are, or may be, educated at their own expense, or that of their parents or friends, at the school, under the superintendence of Captain Partridge, in the State of Vermont, or at any other place in the United States.

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of employing the regular army, or a part thereof, in the erection of fortifications during a state of peace, instead of having them built by contract in the way heretofore pursued.

Resolved, That the Secretary of the Navy be directed to make a statement to this House, containing the names and grade of the officers belonging to the Naval Establishment of the United States, and the duties each officer is performing; also, the number of officers of each different grade necessary to command in active service the vessels of war at this time belonging to the Navy.

[In calling these resolves up, Mr. CANNON disclaimed any intention to debate them, desiring, as far as he was concerned, that a silent vote should be taken on them.]

No debate arose on the resolutions, and they were decided upon as follows:

First. Carried without a division.
Second. Carried—65 to 33.
Third. Carried—70 to 38.
Fourth. Carried without a division.
Fifth. Carried without opposition.

So the whole five were agreed to.

LOTS IN PEORIA VILLAGE.

The House then, according to the order of the day, resolved itself into a Committee of the Whole, on the bill to confirm certain claims to lots in the village of Peoria, in the State of Illinois.

Mr. COOK explained at considerable length the merits of these claims, and the reasons which justified their confirmation.

Mr. RANKIN stated the reasons why, as chairman of the Committee on Public Lands, he had been opposed to reporting the bill, and why he was now opposed to its passage.

Mr. COOK rejoined, earnestly supporting the bill, on the ground of its equity, &c.

The Committee rose, and reported the bill.

The question being on ordering the bill to be engrossed for a third reading—

Mr. MCCOY said that the amount of land embraced by the bill was not of much importance, (not exceeding 172 acres,) but the principle of the bill was. He was apprehensive that out of the grant of 172 acres would grow at least 172 more villages. Wherever, in any part of the West, an inhabitant sets himself down in the fork of a river to trade with the Indians, there another village will arise, and a grant of the land be asked for on the same ground. He objected further to the bill, that it was not accompanied by any written report. He moved to recommit the bill to the Committee of Public Lands, in order to obtain such a report.

Hereupon arose a debate, of length and earnestness disproportionate to the importance of the bill, in the course of which the object of the bill was opposed by Messrs. RANKIN, MCCOY, COCKE, HARDIN, and COLDEN; and supported by Mr. COOK, against them all.

In the course of the debate, it appeared that the passage of the bill was asked of the House as a matter of grace, but upon principles alleged to have been recognised by repeated acts of legislation. Many of the settlers in the village of Peoria, were there as far back as the year 1776. A vote of Congress, in the year 1781, reserved from sale lands sufficient to liquidate the claims of all actual settlers within certain limits, which limits did not include the village of Peoria, but if they had included that village, would have confirmed these claims. In the year 1809, the land officers were authorized, by an act of Congress, to take cognizance of the claims, but, the war soon breaking out, the act was not carried into effect. Subsequently, another law was passed, to the same effect. So far, there had been a recognition by Congress of these settlers having an equitable claim. The ignorance of these settlers, and their remoteness from the scene of the land office business, &c., had prevented them completing their titles, which they are now likely to be prevented from doing, by the location, upon that settlement, of what is called a floating title, derived under the act for the relief of certain inhabitants of Vincennes, but which could not of right be applied to land respecting which, as in this case, prior claims were pending before Congress.

On the other hand, it was argued, that these persons at Peoria have no claim to this land, nor even any promise, either of this Government or of either of the Governments which have formerly held that country; and that liberality and charity were no proper foundation for a claim in their behalf, upon this House. Precedents, it was urged, constituted no argument in favor of these grants, and, if that argument was allowed weight, the whole land belonging to the United States would be asked and granted away. It was time to stop giving away the public lands. Besides, it was said, that the title derived to another individual, from the location of the floating title, whatever it was, ought not to be disturbed or set aside by the posterior legislation of Congress.

Mr. MCCOY having withdrawn his motion for recommitment of the bill—

Mr. COCKE, to try the question of rejection,

moved to strike out the enacting clause of the bill.

When this question was finally taken, it was decided as follows:

For striking out the enacting clause - 59
Against striking it out - - - - 57

So the bill was rejected by a majority of two votes.

TUESDAY, December 31.

Mr. MORGAN presented a memorial of the President and Directors of the Fire Insurance Company of Alexandria, praying that, in any act which may be passed by Congress for the renewal of the charter of the Mechanics' Bank of Alexandria, provision may be made for the withdrawal of such stockholders as may be unwilling to continue their interests in said bank.

Mr. KENT presented a petition of Mary Wilson, praying to be divorced from Captain William Wilson, her husband, who she alleges has abandoned her for several years, and is now a freebooter in the West India seas.—Referred to the Committee for the District of Columbia.

Mr. MCLANE made a report on the petition of George B. R. Gove, accompanied by a bill for his relief; which bill was read twice, and committed to a Committee of the Whole.

Mr. CAMPBELL, of Ohio, from the Committee on Private Land Claims, to which was referred the bill from the Senate, entitled "An act for the relief of the heirs of Alexander Montgomery, deceased," reported the same with amendments, and the bill was committed to the Committee of the whole House to which is committed the bill for the relief of Woodson Wren.

Mr. FULLER, from the Committee on Naval Affairs, who were instructed to inquire into the expediency of allowing to the widowed mother of Lieutenant William Allen, a half-pay pension, made a report, accompanied by a bill for the relief of the mother and unmarried sister of Lieutenant William H. Allen, deceased; (allowing $150 per annum each;) which bill was read twice, and committed to a Committee of the Whole.

Mr FULLER, from the same committee, to which was recommitted the bill to incorporate the United States Naval Fraternal Association for the relief of the families of deceased officers, reported the same with amendments. The bill and amendments were ordered to lie on the table.

Mr. EUSTIS, from the Committee on Military Affairs, to whom the subject was committed, reported a joint resolution authorizing the delivery of rifles promised to Captain Aikin's volunteers at the siege of Plattsburgh; which was read, and committed to a Committee of the Whole.

The House then took up the resolve which was yesterday laid on the table, by Mr. NELSON, of Virginia, calling on the President for information as to the proceedings of the Commissioners of Land Claims in Florida, and agreed thereto.

On motion of Mr. WILLIAMS, of North Carolina, the report of the Committee of Claims, made on the fifth of March, 1822, on the petition of William G. and Benjamin Roberts, together with the said petition, was recommitted to the Committee of Claims.

On motion of Mr. JENNINGS, the petition of William Saltmarsh was committed to the Committee on Pensions and Revolutionary Claims, with instructions to report the facts in relation to the case of the petitioner.

On motion of Mr. MONTGOMERY, it was resolved that the claim of Nancy Armon, to be paid the amount of Loan Office certificate No. 490, submitted by resolution of Congress on the 6th day of January, 1817, to the then Committee on Pensions and Revolutionary Claims, be now referred, with the papers accompanying the said claim, to the present Committee on Pensions and Revolutionary Claims, and that the said committee do inquire into the expediency of paying to the said Nancy Armon the amount of the said Loan Office certificate.

The SPEAKER laid before the House a report of the Secretary of War on so much of the petition of William Mahy as was referred to him; which report was read, and ordered to lie on the table.

Mr. TAYLOR, of New York, reciting the provisions of the acts for securing to patentees their rights, said, there appeared to be a deficiency in the law in this particular: that though it allowed triple damages for the violation of the rights of a patentee, it did not allow him to recover costs in the case, so that, though gaining his cause, the patentee might in reality be a loser in the end. It appeared to him that such an alteration of the law could be devised as to allow costs in all cases in which damages are allowed. To bring this subject before the House, he moved the following:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of allowing costs in all cases where damages may be recovered for the violation of the rights of patentees, under the several acts concerning the issue of patents for useful discoveries and inventions."

The resolution was agreed to.

The House then took up the bill to continue in force the provisions of law which establish the present mode of supplying the Army of the United States; and the bill was, without objection, ordered to be engrossed for a third reading.

On motion of Mr. STEWART, of Pennsylvania, it was

Resolved, by unanimous consent, That the Postmaster General be directed to communicate to this House such information as may be in his possession, showing the state and condition of the Cumberland road, and that he state whether any obstacles exist to the safe and speedy transportation of the United States Mail upon said road; and what effect they may have, if not removed, on the expenditures of the Post Office Department.

SURGEONS IN THE NAVY.

Mr. MITCHELL, of South Carolina, rose and said, he begged leave to introduce a resolution with regard to the surgeons' department in the Navy. His mind had been led to this subject by the state of our West India fleet. It would be

recollected that some time since the Macedonian returned from her cruise with the loss of eighty men; the last accounts from the Cyane were, that she lay at Laguira, with a dreadful mortality raging on board of her; and the situation of the Peacock was no better. He said that, at first, the mortality on board of the Macedonian was attributed to her not being properly purified after her return from the Pacific ocean. That, he believed, had been made a subject of inquiry by a naval court, and, upon investigation, it had been ascertained that every art of purification had been employed to cleanse her. He said that he had not observed that the crews of the merchant vessels employed in the West India trade had been afflicted in this way, and he could not but attribute it to some defect in the surgeons' department. He hoped that it was not so; but it was a subject worthy of the attention of the House. He considered the Navy as our proper defence—that it had not only protected our commerce, but given character to our nation—and that it was our duty to watch over it with the greatest solicitude.

Mr. Mitchell's resolution was in the following words:

Resolved, That the Secretary of the Navy be directed to inform this House, how many surgeons and surgeons' mates are on duty, and where; what are the annual receipts of each; and, where additional pay is received for extra service, what is the nature and extent of such service.

The resolution was agreed to.

INTERCOURSE WITH HAYTI.

Mr. Hill submitted for consideration the following resolution:

Resolved, That the Committee on Commerce be instructed to inquire into the present state of the trade and intercourse between the United States and the Island of Hayti, and report what measures would be necessary to improve the commerce between those countries.

Mr. H. said he was aware that another branch of the Government had called for information from the President on this subject. If any were obtained by that call, this House should avail itself of the advantage of it. Be that as it might, Mr. H. said he was very desirous that the committee should now be directed to investigate this subject, for he had contemplated submitting a similar resolution at the last session, and should have done it, were it not that we then had important negotiations depending with some of the Powers of Europe. That now ceases to be the case. Hayti is one of the largest islands on the globe, and contains in some parts of it a dense population, a great share of effective labor, and possesses, within itself, the resources of an empire. He hoped therefore the resolution might be adopted.

The question was taken on the resolution, and it was agreed to without debate.

PEORIA LOTS IN ILLINOIS.

On motion of Mr. Colden, with a view to allowing to gentlemen who wished it, an opportunity for the further consideration of the subject, the House determined to reconsider the vote by which the bill, confirming the claims to lots in the village of Peoria was rejected.

The bill being thus again brought before the House—

The debate upon its merits was resumed, at greater length than yesterday, and with increased interest.

This seems to be the proper place to notice the principal objection yesterday taken by Mr. Rankin to the bill, overlooked in our account of the debate. It was this: that the grants were proposed to be made, in this case, not merely to settlers previous to 1783, but to settlers as far up as the year 1813, involving, in this respect, a principle never heretofore recognised by our laws.

Mr. Wright supported the bill in a speech of some length, in which he maintained that the right derived from occupation is in some respects a divine right, and the right of these individuals was of such a character as Congress had almost as little right to take from them as it had to take the lands from the Indians without their consent.

Mr. Vance quoted the ordinance of 1789, to show, as he contended, that these individuals had a right to a confirmation of their claims independent of considerations of grace, good will, or generosity.

Mr. Cocke expressed his regret that the bill had been again brought before the House, to which he was not less opposed to-day than he was yesterday. If these people have a legal right, as now contended, to the lands on which they are settled, it is in itself an argument against the bill, and not in its favor, because making it unnecessary.

Mr. Jennings rose to move a recommitment of the bill to the Committee of Public Lands. He thought these people had a certain claim on the Government, but not to the extent of this bill. He was not willing to recognise the titles of settlers so far down as the year 1813.

Mr. Hardin, of Kentucky, was in favor of the recommitment of the bill, delivering at length his reasons against the bill as it now stood, on the same grounds as were yesterday assumed against it.

Mr. Woodson, of Kentucky, delivered his sentiments also at length in favor of this bill, and of the general policy of granting lands to the earlier settlers on the remote borders of the country, among the Indians, &c., to whose hardihood and enterprise the settlement of the fairest portion of our country is owing. He dwelt, too, on the superiority of the equitable claim of these settlers over the claim of the man, who, with a floating title, was attempting to dispossess them of their humble cabins and the little improvements which constitute their all.

Mr. Rankin supported the recommitment of the bill, if the House was disposed to pass it. He adverted to the principle of this Government in regard to settlement rights, which had been to recognise settlement rights down to the time at which the last military post was surrendered. This time, in Illinois and Indiana, was 1783. If, then, these claims were recognised up to the year

1813, Congress would establish a new principle. In doing so, they would tread on dangerous ground, and the extent to which the precedent would carry them could not be foreseen, as there were claims of this description in several other of the States and Territories.

Mr. COOK next took the floor in support of the bill, and to show that this was a peculiar case, requiring peculiar legislation, owing to these men being driven from their possessions during the late war, and not having therefore had an uninterrupted possession of their lots in Peoria, though many had been there since 1776. He dwelt upon the peculiar situation of these people, poor, isolated, partly of Indian and partly of French descent, &c., and incapable of asserting their own rights.

Mr. MALLARY supported the bill on the ground of the equitable right, and even legal right, of these individuals, to a recognition of their titles, and also on the ground of the policy of the measure. In answer to the allegation that the Government legislates too freely on the subject of Western lands, &c., Mr. M. argued, that in every new country there naturally exists a perpetual source of legislation. The early settlers in it deserve our protection and our interference to see that they are protected in their equitable rights.

Mr. WALKER, of North Carolina, also was in favor of the bill on the ground of humanity, than which he knew none more worthy of being a motive for legislation, &c.

Mr. FLOYD spoke in favor of the recommitment of the bill, not so much from hostility to granting these particular lots, as from hostility to the principle on which the grant is proposed to be allowed.

Some further debate took place between Messrs. WRIGHT, VANCE, FLOYD, JENNINGS, STERLING of New York, WILLIAMS of North Carolina, RHEA, and WOOD.

The question was at length taken on the recommitment of the bill, and decided in the negative—74 votes to 66.

The question was then taken on the previously pending question to strike out the enacting clause, and decided in the negative.

Mr. HARDIN moved to amend the bill so as to limit the recognition to settlements previous to the year 1783.

Mr. CAMPBELL, of Ohio, delivered his opinion that this bill was not a new principle, though not conformable to the general principles of our land laws. He adverted to the grants to the Moravian Indians, &c., made under peculiar circumstances. He thought the circumstances of these Peorians such as to authorize this grant to them, at least as much as the grants to Moravians and others.

Mr. VANCE said that if the grant was limited as proposed by the amendment, it would be in vain to pass the bill, these people keeping no records, and not being able to trace their titles, &c.

Mr. COOK confirmed this view of the operation of the amendment.

Mr. HARDIN said that he had no doubt that these persons were settlers of not more than ten or twelve years standing, and it was to test that fact that he proposed this amendment. He replied to Mr. CAMPBELL, and to the arguments in favor of titles derived, or pretended to be derived, from occupation. Mr. H. contended that this bill recognised a principle which he considered as alarming.

Mr. RHEA was in favor of the amendment, considering the bill, without it, as establishing an entirely new principle. There were people enough alive, he was persuaded, who could establish by their testimony the rights of those people prior to 1783, if such rights really exist.

The proposed amendment was negatived.

And then the bill was ordered to be engrossed for a third reading; and the House adjourned to Thursday.

THURSDAY, January 2, 1823.

Mr. MERCER presented a petition of Joseph Smith of Alexandria, in the District of Columbia, praying to be allowed and paid the wages and prize-money due for the services of a negro slave belonging to him, who was a seaman on board the United States ship of war Wasp, in the late war with Great Britain, and lost in that vessel; which petition was refered to the Committee of Claims.

Mr. RANKIN, from the Committee on the Public Lands, to whom the subject was referred by resolution, reported a bill extending the time for issuing and locating military land warrants to officers and soldiers of the Revolutionary army; which was read and committed to the Committee of the Whole House to which is committed the bill to extend the time for locating Virginia military land warrants.

Mr. RANKIN, from the same committee, to whom the subject was referred by resolution, reported a bill reviving the fifth section of an act of the 3d of March, 1811, giving certain pre-emption rights in the State of Louisiana; which was read twice and committed to the Committee of the Whole last mentioned.

Mr. CANNON, of Tennessee, also from the Committee on Public Lands, made an unfavorable report on the petition of the Western Missionary Society, in the State of Ohio, asking of Congress a grant of land, the better to enable them to effect the civilization of the Indians within the sphere of their operations; which report was agreed to by the House.

The resolution laid on the table on Tuesday, calling for certain information respecting the Surgeons of the Navy, was taken up; but, on motion of Mr. MITCHELL, of South Carolina, (who introduced it,) it was ordered again to lie on the table, to await some information he expected to receive on the subject, before he wished the resolve acted upon.

Mr. RANKIN submitted the following resolution, which was read, and ordered to lie on the table one day, viz:

Resolved, That the Secretary of the Treasury be directed to furnish this House with a statement of the several amounts which have arisen from the sales

of public lands, within the States of Ohio, Indiana Mississippi, Illinois, Alabama, and Missouri, appropriated by law for "opening roads and canals leading to said States," and the amount which has been paid or is due to each of said States, and appropriated by law for opening roads and canals "within the same."

A message from the Senate informed the House that the Senate have passed bills of the following titles, to wit: "An act for the relief of John Byers," and "An act for the relief of Alexander Humphrey and Sylvester Humphrey;" in which bills they ask the concurrence of this House.

On motion of Mr. SIBLEY, the Committee on the Judiciary were instructed to inquire whether any, and, if any, what, alterations and amendments are necessary to be made in the ordinance of Congress of the 13th of July, 1787, so far as said ordinance is made applicable to the Legislative and Judicial Departments of the Territory of Michigan by the act of the 11th of January, 1805, entitled "An act to divide the Indiana Territory into two separate governments."

On motion of Mr. TATTNALL, the Committee of Ways and Means were instructed to inquire into the necessity of an appropriation for the purpose of rendering efficient the public defences within the harbor of Savannah.

The SPEAKER laid before the House a letter from the Commissioners appointed to ascertain claims and titles to land within the Territories of Florida, setting forth that, in consequence of the great sickness and mortality which prevailed at Pensacola, in West Florida, during the last autumn, they are unable to complete the duties assigned them within the time prescribed by law, and asking for further time to complete their duties; which letter was referred to the Committee on the Judiciary.

The bill from the Senate, entitled "An act for the relief of John Byers," was read twice, and referred to the Committee of Claims.

The bill from the Senate, entitled "An act for the relief of Alexander Humphrey and Sylvester Humphrey," was read twice, and referred to the Committee on Commerce.

An engrossed bill entitled "An act to continue the present mode of supplying the Army of the United States," was read the third time, and passed.

An engrossed bill to confirm certain claims to lots in the village of Peoria, in the State of Illinois, was read the third time, and the consideration thereof was postponed until to-morrow.

INTERNAL IMPROVEMENT.

Mr. WOODSON submitted the following resolution, with the preamble prefixed thereto, viz:

Whereas it is the duty of the Representatives of this nation to promote, to the extent of their zeal and abilities, the best interests, the highest destinies of their country; and it is believed that nothing would contribute more essentially to the accomplishment of those great objects, than internal improvement, by means of artificial roads and canals, which, when completed, would serve as a bond of union; keep the chain of our confederacy forever bright; enhance our internal and external commerce, by affording increased facilities to transportation, and a consequent reduction in the price of foreign articles; give a new impulse to industry in our customary pursuits, and multiply and present additional objects for the useful and productive employment of our citizens; increase their ability to consume, and, with the progressive value of our public domains, produce a corresponding accession to our revenue; operate as a powerful auxiliary to the full development of our dormant resources, by extending the means of internal intercourse, and exchange of the productions, raw materials, and manufactured articles of the different sections of the Union; tend to assimilate our habits, diffuse our knowledge, multiply kindred ties of the dearest nature, drawing around our hearts more closely the cords of sympathy, and national feeling; promote true economy by the most advantageous investment of the public funds, leaving eternal traces of their expenditure; adding to the strength and durability of the Government, by enabling it to concentrate, with certainty, economy, and despatch, its forces, either to chastise a daring invader, or quell misguided civil tumult; and, co-operating with a judicious system, for the arrangement and protection of the skill and industry of our own citizens, from the counteracting and destructive policy of foreign Governments, render us completely independent, prosperous, and happy:—

Therefore, resolved That it is expedient and proper that the General Government should interpose in the accomplishment, or at least render its aid in promoting the whole, or some portion, of the following great objects of internal improvement: A canal, or canals, through the Isthmus of Barnstable: That part of New Jersey, which extends from the Raritan to the Delaware: The Peninsula between the Delaware and the Chesapeake, and the tract of country which divides the Chesapeake from Albemarle Sound. Also, a canal from Lake Erie, or its waters, to the Ohio river, or some one of its tributary streams, and around the falls of Ohio; together with artificial roads, from three of the great western rivers, the Alleghany, Kenhawa, and Tennessee, to the nearest corresponding Atlantic rivers, the Susquehannah, or Juniata, James River, and either the Santee or Savannah. And that the Committee on Roads and Canals be instructed to report a bill, or bills, in conformity to the foregoing resolution, embracing the whole, or any portion of the specified objects, as to them may seem most expedient.

The resolution was ordered to lie on the table.

MICHIGAN LAND TITLES, &c.

The bill "to revive and continue in force certain acts for the adjustment of land claims in the Territory of Michigan, passed through a Committee of the Whole.

Mr. RANKIN briefly explained the objects of the bill, and Mr. SIBLEY explained them more at large.

This bill provides for reviving and continuing in force the powers of the commissioners for ascertaining and deciding on claims to land in the district of Detroit, and for settling the claims to land at Green Bay and Prairie du Chien, in the Territory of Michigan, until the 1st day of November next.

In the progress of the bill, Mr. SIBLEY made a number of explanations in support of its different provisions, which he pressed upon the attention of the House with much earnestness.

When the bill was gone through, Mr. SIBLEY moved to amend it by adding thereto the following as a new section:

"SEC. 4. *And be it further enacted*, That the said Commissioners shall be, and they are hereby, authorized to inquire into all private claims to lands lying within the said district of Detroit, not heretofore acted upon, and the same confirm or reject, according to the evidence of title that shall be introduced by said claimant, which are embraced within any of the provisions of the act, entitled 'An act supplemental to an act regulating the titles to lands in the Territory of Michigan, passed the twenty-fifth day of April, one thousand eight hundred and eight,' and the acts and parts of acts to which said act refers, in the same manner, and subject to the same limitations and conditions, as though the persons making such claims had exhibited their notices of claim to the register of the land office at Detroit, on or before the first day of January, one thousand eight hundred and nine: *Provided*, That no claims to lands, except such claims as have been exhibited, and made known to the Commissioners, prior to the passage of this act, shall be embraced within the provisions of this section, nor shall any claim to a tract of land be confirmed which has been already sold or granted by the United States."

This proposed amendment was, after some debate, disagreed to by a considerable majority.

The bill was then reported to the House, and ordered to be engrossed for a third reading.

The next bill in the orders of the day, was that to reduce the salaries of certain officers of the Government; which bill was, on the motion of Mr. HARDIN, recommitted to the Committee on Retrenchment.

The House then resolved itself into a Committee of the Whole, on the next order of the day, which was the report of the Committee of Claims on the petition of John Anderson and others; on which, after being in committee a few minutes, the Committee rose, reported progress, and obtained leave to sit again.

The House then, on motion of Mr. TRACY, resolved itself into a Committee of the Whole, on the report of a committee adverse to the petition of Charles Townsend.

[The petitioner resides in Buffalo, in the State of New York, and was appointed by the Commissioners of Claims to take testimony relative to the claims of individuals for property destroyed by the enemy on the Niagara frontier during the late war. The report denies both the legality and equity of the claim.]

A debate arose on this report, which Mr. TRACY endeavored to prevail on the House to reverse, in which he was aided by Messrs. ROSS, WRIGHT, JONES, and KIRKLAND; whilst Messrs. STERLING of New York, MCCOY, WILLIAMS of North Carolina, and BUTLER, supported the report.

The question was finally taken on striking out the word "not" in the resolution annexed to the report on the case by the Committee of Claims, and was negatived—yeas 44, nays 64.

The Committee then rose and made a report, and the House adjourned at 4 o'clock.

17th CON. 2d SESS.—16

FRIDAY, January 3.

JOSEPH M. HERNANDEZ, delegate from the Territory of Florida, appeared, was qualified, and took his seat in the House.

Mr. SIBLEY presented a petition of sundry inhabitants of the Territory of Michigan, praying that the said Territory may be admitted to the second grade of territorial government, by the establishment of a Territorial Senate and House of Representatives; which petition was referred to the Committee on the Judiciary.

Mr. KENT, from the Committee on the District of Columbia, reported a bill for the divorcement of John Wheelwright (of this District,) and Caroline Eliza Wheelwright; which was read, and concurred in by the House.

Mr. K., from the same committee, made an unfavorable report on the memorial of Mary Wilson, (applying for a divorcement;) which was read and concurred in by the House.

Mr. K. also reported a bill to confer certain powers on the levy court in the District of Columbia, and for other purposes; which bill was twice read and committed.

The resolution of Mr. RANKIN, yesterday laid on the table, calling on the Secretary of the Treasury for information relative to the amount of proceeds of sales of public lands in the States of Ohio, Indiana, Mississippi, Illinois, Alabama, and Missouri, appropriated for purposes of opening roads and canals leading to States, was taken up and agreed to.

The engrossed bill to revive and continue in force certain acts for the adjustment of land claims in the Territory of Michigan, was read a third time, passed, and sent to the Senate for concurrence.

Mr. CAMBRELENG offered the following resolution:

Resolved, That the President of the United States be requested to furnish to this House the documents, heretofore referred to the Department of State, relating to the claim of Jacob and Henry Schieffelin, against the British Government, for property sequestered in December, 1813, together with any information he may possess, relating to the seizures and condemnations of American vessels and cargoes, happening to be, in the ordinary course of commerce, in the British ports at the commencement of the late war, referred to in the correspondence at Ghent.

This resolution, by the rules of the House, was laid on the table one day.

On motion of Mr. BARSTOW, the Committee on Naval Affairs were instructed to inquire into the expediency of modifying or repealing the laws providing for the allowance of salvage on all vessels and goods belonging to citizens of the United States, when recaptured by our public ships in time of peace.

Mr. RANKIN submitted the following resolution, which was read, and ordered to lie on the table one day, viz:

Resolved, That the President of the United States be requested to furnish this House with any information he may possess, or in possession of any department of the Government, in relation to the number and lo-

cality of the salt springs, lead and copper mines, within any of the States or Territories of the United States, and which are the exclusive property of the Government; the quantity of land reserved at each; and if rented or leased, to whom they have been rented or leased; the term of time and the amount agreed on and received for such lease or leases.

Mr. CAMPBELL, of Ohio, submitted the following resolution for consideration:

Resolved, That the Committee of Accounts be instructed to inquire into and report in what bank the contingent funds of the House have been deposited, between the 23d day of February, 1815, and the 3d day of December, 1822; the amount deposited, the periods of making the deposites, the balance, if any, still in the bank; what sums, if any, have been advanced on contracts, and when, and to whom, advances, if any, may have been made.

In offering this resolution, Mr. C. said, he considered this inquiry due to the late Clerk, and to the House. The reason of the dates he had put into the resolution was, that on the 23d February, 1815, the law passed which imperatively requires the moneys drawn for the contingent fund to be deposited in some bank, and drawn out by specific checks, and the other date was that on which the present Clerk came into office. The resolve was agreed to.

PUBLIC ACCOUNTS.

Mr. WILLIAMS, of North Carolina, from the Committee of Claims, to whom the subject was referred, by resolution, reported a bill in addition to the act, entitled "An act for the prompt settlement of public accounts," and for the punishment of the crime of perjury; which bill was read twice, and committed to a Committee of the Whole.

The bill is in the following words:

Be it enacted, &c., That in the settlement of accounts of persons remaining charged on the books of the Third Auditor of the Treasury with public moneys advanced prior to the 1st day of July, 1815, the proper accounting officers be, and they are hereby, authorized to admit to the credit of such persons, respectively, the amount of any expenditures made by them, which were at the time authorized by law or regulations, notwithstanding regular vouchers for the same may not be produced, if the impracticability of producing such vouchers shall be proved, to the satisfaction of the said accounting officers; and if the evidence exhibited in lieu thereof shall be the best the nature of the several cases will admit of, and such as would be received in courts of justice: *Provided, nevertheless*, That the credits to be allowed shall in no case exceed in amount the sums with which such persons respectively shall be charged on the books of the said Third Auditor.

SEC. 2. *And be it further enacted*, That whenever, in the settlement of the accounts before mentioned, a difference of opinion shall arise between the accounting officers, as to the extent of the credits to be allowed, under, or by virtue of, this act, such case shall be referred to the Secretary of War, whose decision shall be conclusive. And it is hereby made the duty of the said Secretary to cause to be communicated to Congress, at the commencement of each session, a statement comprising the names of the persons whose accounts shall have been settled the preceding year, agreeably to the provisions of this act, together with the amount which shall have been passed to the credit of each, under the several heads of expenditure, and, upon evidence other than such as has been prescribed by the laws and regulations existing before the passage of this act.

SEC. 3. *And be it further enacted*, That if any person shall swear, or affirm, falsely, touching the expenditure of public money, or in support of any claim against the United States, he or she shall, upon conviction thereof, suffer as for wilful and corrupt perjury.

Mr. W. also reported a bill for the relief of Joshua Bennet; which was twice read, and committed.

RESOLUTIONS OF MARYLAND.

Mr. KENT presented the following resolutions of the Legislature of the State of Maryland:

Whereas, the State of Maryland is, in a peculiar degree, dependent on that aid and protection, to secure which, was the great object of the confederation of these United States, and especially is exposed, from its vast extent of navigable waters, and the geographical position of the city of Baltimore, to the attacks of a maritime enemy, who, as has been demonstrated by the events of the late war, can harass our citizens, plunder and destroy our property, possess themselves of our territory, and prevent our necessary transactions, as far as a large proportion of our citizens are affected: And whereas, exemption from such danger, to the lives and exposure of the fortunes of our citizens, can only be secured to us by the liberal application of those means which the good people of the United States have placed at the disposal of the Government of the Union, for the common defence and general welfare, and it is not only the soundest policy, but the best dictate of prudent economy, to use the period when a general peace and the ordinary resources of our country afford opportunity to the Government to provide for the defects in our system, which a state of war has disclosed, and to be prepared against a recurrence of injuries which may be repeated at a moment, impossible, by any political calculation, to be anticipated:

And whereas, it is, at all times, the duty of the citizens of a free government to deliberate on the policy and measures of those to whom they have confided the administration of their political concerns; and on occasions when contrariety of opinion is entertained on matters vitally affecting their best interests, to express their sentiments with candor and firmness:

We, the members of the Senate and House of Delegates, acting as the Representatives of the people of Maryland, and influenced by a belief that it is highly expedient, in the present situation of our political concerns, to announce the opinions and wishes of the people of this State, in relation to such measures of the Government of the United States, as have in view the better security of our country against the approaches of a hostile maritime force; do, therefore,

Resolve, That we cordially approve the efforts of the General Government to foster our Navy, and to cause a progressive increase of this means of defence, which experience has taught us to regard as necessary to our protection, and to the maintenance of that high and dignified character which has exalted our country amongst the nations of the earth; that we cordially approve of every effort of the General Government to

extend and perfect a system of defence by fortifications, highly useful in other places, and essentially necessary to the waters of the Chesapeake and its tributary rivers.

And, whereas, from the relative position of this State, and those vast sources of successful enterprise and wealth, the rivers Potomac and Susquehanna, as well as from the relation of our largest city to an extensive district of inland country, it is of the utmost importance to our citizens that a system of internal improvement shall be vigorously pursued: Therefore, we do further

Resolve, That we will highly approbate, and zealously co-operate with the General Government, in the adoption of such measures as will afford our country the facilities and advantages which nature has placed in our control, and which a wise policy should induce us to improve.

Resolved, That a copy of the foregoing preamble and resolutions be forwarded by the Executive to each of our Senators and Representatives in Congress, with a request that they will co-operate in the promotion of the measures which, in the sense of the Legislature, are best calculated for the interest of the Union at large, and especially of the State. By order:

WILLIAM KILTY, *Clerk.*

The resolutions were read, laid on the table, and ordered to be printed—not without objection, however, on the ground of the informality of the manner in which the resolves were brought before the House, being abstract resolutions, not addressed to this House.

CLAIM OF CHARLES TOWNSEND.

The House then resumed the consideration of the unfinished business of yesterday, being the report of the Committee of Claims on the petition of Charles Townsend.

Mr. BUTLER moved the reference of the report back to the committee originating it, "with instructions to report whether the claimant has performed any service at the request and exclusively for the Government by the direction of the Commissioner of Claims;" and, on the question to agree thereto, it was determined in the negative.

After an animated discussion on the claim, in which Messrs. TRACY and WOODCOCK supported the justice of it, and Messrs. WILLIAMS and BUTLER opposed it, the question on striking from the report of the Committee of Claims the word *not*, as moved by Mr. TRACY, was taken, and decided in the affirmative—ayes 67, noes 55.

The question then recurring on agreeing to the resolution originally reported, as thus amended—Mr. WILLIAMS stated his objections to this course at some length, and Mr. WOODCOCK briefly replying to him—

Mr. LITTLE moved that the further consideration of it be postponed until Monday, which was agreed to—63 to 58.

PEORIA LOTS IN ILLINOIS.

The engrossed bill to confirm the title to certain lots in the village of Peoria, in Illinois, was read a third time.

On the question, Shall the bill pass?

Mr. COLDEN rose to show that, though he had moved for the reconsideration of this bill, after its rejection a few days ago, it was from courtesy to those who were in favor of the bill, and not because his own opinion on the subject had undergone any change. On the contrary, his objections to the bill were confirmed, rather than diminished. He was not among those, he said, who held that, because we have done wrong once, we must always do so. He then entered into an argument to show that the bill ought not to pass, in doing which he reviewed the arguments which were the other day advanced in favor of the bill. His objection to the bill was, in general, that the occupants of these lots have neither a title in themselves, nor an equitable claim upon the Government. Mr. C. spoke with ability and eloquence for half an hour against the bill. In the course of his remarks, illustrating the insufficiency of the plea of occupation, put in by Mr. WRIGHT, in behalf of these people, Mr. C. took occasion to say, that the Autocrat of the North carried his idea of right derived from occupancy, even further than the gentleman from Maryland. He lays a claim to thousands of miles of the Northwest coast, because a Russian sailor, some fifty years ago, thought he had seen some points of land in that direction!

Mr. FORWARD, of Pennsylvania, said, he had understood, and he wished to know how the fact was, that a part of these lots at least are embraced within the grants made to soldiers of the late war. If that was the fact, all legislation, as far as respects that portion of these lots, would be merely nugatory. If the United States have parted with their right to these lots, it was of course now beyond their reach.

Mr. RANKIN said, that the fact that these lots were covered by the survey of the military bounty lands was as suggested by the gentleman. If, however, the settlement rights, proposed to be recognised by the bill, had been limited to the time of the cession of that Territory to the United States, the rights of such claimants would have been perfect and superior, because anterior to any other. It was, therefore, that Mr. W. wished such an amendment to have been made to the bill. Further, all the lands covered by these claims had been reserved from sale; and, he presumed, had of course been reserved from grant to the soldiers. He had requested information on this subject from the General Land Office, but had not yet received it.

Mr. COOK, in an earnest and able manner, defended his bill, and replied to Mr. COLDEN. In the course of his speech, adverting to the policy of this nation in regard to grants, he alluded to the retrocession of the Battery, to the city of New York at the last session, for which he had voted, under the influence of the eloquence of the gentleman from New York, as an act of generosity.

Mr. MORGAN, of New York, replied to this last argument or illustration of Mr. COOK. The claim of the city of New York, Mr. M. said, was not an appeal to the generosity, but to the justice of the Government. New York granted that land to the United States on the express condition of its being used for a fortification for the defence of the Uni-

ted States. When it was no longer useful in that view, it was restored to the city of New York. The engineers of the United States having declared that the work was no longer useful for military purposes, the reason of the grant ceased, and it was the right of the city to have the land restored to it.

After a few remarks from Mr. WRIGHT in reply to Mr. COLDEN—

Mr. COOK said he had discovered, in conversation, that some gentlemen had objections to the details of this bill, which might probably be obviviated by amendments to be made to it. With this view, he moved that the bill be recommitted to the Committee on Public Lands.

And the bill was so recommitted.

MONDAY, January 6.

A new member, to wit: from South Carolina, JAMES HAMILTON, jun., elected to supply the vacancy occasioned by the resignation of William Lowndes, appeared, produced his credentials, was qualified, and took his seat.

Mr. VAN RENSSELAER presented a petition of sundry inhabitants of the Territory of Michigan, praying that no alteration may be made in the form of government now existing in the said Territory; which petition was referred to the Committee on the Judiciary.

Mr. MCLANE, from the Committee of Ways and Means, reported a bill making a partial appropriation for the support of Government for the year 1823, (for the compensation of members of Congress,) and the bill was twice read, and committed.

Mr. MCLANE, from the same committee, made a report upon the subject of the reservations of land to the Indians, within the State of Georgia, by the treaties with the Creeks and Cherokees, accompanied by a bill "for the extinction of the Indian title to certain reserves of land within the State of Georgia."

The bill is as follows:

Be it enacted, &c., That the President of the United States be, and is hereby, authorized to adopt such measures as may be necessary, to extinguish the Indian title to all the reserves of land within the limits of the State of Georgia, reserved under the several treaties made with the Creek and Cherokee Indians, in the years 1814, 1817, 1819, and 1821, according to the true intent and meaning of the stipulation, contained in the first article of the agreement and cession, between the United States and the State of Georgia, bearing date the 24th April, A. D. 1802; and that a sum not exceeding $50,000 be, and the same is hereby, appropriated for that purpose, out of any money in the Treasury not otherwise appropriated.

The bill was twice read, and committed.

Mr. RANKIN, from the Committee on Public Lands, to whom was referred the bill from the Senate concerning the Education Lands in Missouri, reported it with sundry amendments; and they were referred to a Committee of the Whole.

Mr. A. SMYTH, from the Committee on the Library, made the following report:

The Committee on the Library, who were instructed to inquire into the expediency of purchasing a number of copies of Sergeant's Treatise on Constitutional Law, report, that there are already in the Library some copies of the work, and that they deem it inexpedient to increase the number, at the expense of the Library Fund: they, therefore, submit the following resolution:

Resolved, That the Committee on the Library be discharged from the further consideration of the subject aforesaid.

On motion of Mr. NELSON, the report was ordered to lie on the table.

Mr. A. SMYTH, from the same committee, made a report unfavorable to the memorial of Edward De Krafft, who asks the aid of Congress to an Edition of a Selection of Public Documents; which was concurred in.

The resolution laid on the table by Mr. RANKIN, on the 3d instant, calling on the President of the United States for information in relation to the number and locality of the Salt Springs, Lead and Copper Mines, in any of the States or Territories of the United States, the exclusive property of the Government, the quantity, and the terms on which they are leased or rented out, with the amount received for the same, was taken up and agreed to.

Mr. CAMBRELENG'S resolution, offered on the same day, requesting the President of the United States to furnish documents relating to the claim of Jacob and Henry Schieffelin against the British Government, for property sequestered in December, 1813, with any information in his possession, relating to the seizures and condemnations of American vessels and cargoes happening to be, in the ordinary course of commerce, in the British ports at the commencement of the late war, referred to in the correspondence at Ghent, was considered and adopted.

Mr. MCCOY submitted the following resolution, which was read, and laid on the table one day, viz:

Resolved, That the Secretary of the Treasury be directed to report to this House the amount of all fines assessed upon citizens of the State of Virginia, for the non-performance of militia duty during the late war with Great Britain, designating the amount assessed in each county and regiment; as, also, what expense (if any) the United States have incurred in the assessment of said fines; and what amount of said fines have been collected by the marshals, and paid into the Treasury of the United States, or otherwise accounted for.

Mr. ALLEN, of Tennessee, submitted the following resolution, which was read, and laid on the table one day, to wit:

Resolved, That the Secretary of the Treasury be directed to communicate to this House such information as the department over which he presides affords, relative to a loan of one hundred thousand dollars, made to Scott, Thornton, and White, late city commissioners, particularly the time when, and the authority under which, said loan was made; the conditions that were to have been performed, and the accountability secured; how far the same has been complied

with, and the difficulties, if any, that exist in a settlement of the transaction with the accounting officers of the Treasury.

Mr. ALEXANDER SMYTH laid on the table the following joint resolution, viz:

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, two-thirds of both Houses concurring, That the following amendment to the Constitution of the United States be proposed to the Legislatures of the several States, which, when ratified by the Legislatures of three-fourths of the States, shall be valid to all intents and purposes, as part of said Constitution, to wit:

No Elector of President and Vice President shall be nominated or appointed by the President elect, to any office, appointment, or place whatsoever.

When the House of Representatives shall choose a President, no person who shall have been a member at the time of making the choice, shall be nominated or appointed by the President so chosen, to any office, appointment, or place, whatsoever.

When the Senate shall choose the Vice President, no person, who shall have been a member of the Senate at the time of making the choice, shall be nominated or appointed by the Vice President, acting as President, to any office, appointment, or place, whatsoever.

Mr. DENISON submitted the following resolution, which was read, and laid on the table one day, viz:

Resolved, That the Secretary of the Treasury be directed to report to this House the time to which the accounts of the General Post Office have been rendered to the Treasury Department; the time to which the same have been settled; and the difference, if any, which exists between contracts for transporting the mail, and the amount paid upon those contracts, specifying the cases in which such difference may be found.

On motion of Mr. STERLING, of New York, the Committee of the Whole House to which was committed the report of the Committee of Claims, in the case of Nathan Ford, were discharged from the further consideration of the same, and it was recommitted to the Committee of Claims.

Two Messages received from the PRESIDENT OF THE UNITED STATES on Friday last were read, and are as follows, viz:

To the House of Representatives of the United States:

In compliance with the resolution of the House of Representatives of the United States, of the 19th of December, 1822, requesting the President of the United States to cause to be laid before that House the several laws which have been made by the Governor and Legislative Council of Florida, together with such information as may be in the possession of the Executive, I herewith transmit a report from the Secretary of State, with the accompanying documents, which contain the information desired.

JAMES MONROE.

WASHINGTON, *Jan.* 3, 1823.

The Message was referred to the Committee on the Judiciary.

To the House of Representatives of the United States:

In compliance with the resolutions of the House of Representatives, of the 8th of January, 7th May, and 17th December, 1822, requesting the President of the United States to cause to be laid before that House a detailed statement of the current expenses of the Ordnance Department for the years 1817–'18–'19–'20, and '21; and as much as can be shown for the year 1822; and, also, the number and local position of each of the armories, arsenals, and magazines of the United States, the total expense of constructing and repairing the same up to the year 1821; the number of cannon and other arms annually made at each, and the expenses of each armory and arsenal for each year, from 1816 to 1821, inclusive; I herewith transmit a report from the Secretary of War, accompanied by such documents as will be found to contain the desired information.

JAMES MONROE.

WASHINGTON, *Jan.* 3, 1823.

The Message was referred to the Committee on Military Affairs.

A Message was received from the PRESIDENT OF THE UNITED STATES, which was read, and is as follows:

To the House of Representatives of the United States:

In compliance with the resolution of the House of Representatives, of the 19th of December last, requesting the President of the United States to communicate to the House the progress which has been made in the execution of the act of the last session, entitled "An act to abolish the Indian Trading Establishments," with a report from the factories respectively, as the same were made to him; I transmit a report from the Secretary of the Treasury, with the documents referred to by that resolution. In further execution of the act of the last session, treaties have since been made with the Osage and Sac Indians, by which those tribes have severally relinquished to the United States their right, under preceding treaties, to the maintenance of a factory within each, respectively.

JAMES MONROE.

WASHINGTON, *Jan.* 6, 1823.

The Message was referred to the Committee on Indian Affairs.

NAVAL FRATERNAL ASSOCIATION.

The House then, on motion of Mr. FULLER, took up the bill to incorporate the United States Naval Fraternal Association.

Mr. FULLER, of Massachusettes, explained the object and effect of the two amendments proposed by the Committee on Naval Affairs to this bill. The one proposed to make the elections of officers, &c., take place at Washington, instead of at the several naval stations; the other, to enable Congress at any time to repeal the charter. These amendments, it was supposed, would obviate any reasonable objection which could be entertained against the bill.

The question being taken on the amendments, they were agreed to without opposition; and the question being proposed, "Shall the bill be engrossed, and read a third time?"

Mr. HARDIN, of Kentucky, rose, and said that, were it not that the bill involved some principles to which he had great dislike, he should give it a silent vote. Upon looking at the general aspect, and considering all its features, however, he con-

sidered the bill unconstitutional, and not within the powers of Congress. The bill was originally not even professedly confined to the District; and he did not believe that the amendment which had been made this morning would alter the effect of it. The Corporation was to assemble here, to be sure, to make its by-laws; but its locality was merely a color to the measure; and Congress ought not to legislate against the spirit of the Constitution, keeping just within its letter. Mr. H. went on to state his views of the powers of Congress in regard to this District. He considered the powers of Congress, within this District, to be just the same as the power of the Legislature of a State within the same, previous to the adoption of the Constitution of the United States. By the bill, however, it was proposed to extend the legislative authority all over the nation. He knew that the ostensible, and probably the real, object of this bill was to provide for the relief of the widows and orphans of deceased soldiers and officers. But let us not, said he, in the pursuit of a benevolent object transcend our powers, and establish a precedent which may be dangerous in itself. This Corporation was to be authorized to invest ten thousand dollars in real property in this District; but the substantial property, the entire funds of the Association, exclusive of the building, may be in any part of the Union, or in any extreme of the world. It was in vain to say, because the Association was to assemble here, that it was a corporation exclusively for the District of Columbia. It was not so. In spirit, the amendment does not change this objectionable feature of the bill. It had always struck him, Mr. H. said, that a corporation could not have any corporate rights out of the limits of the authority of the Government that incorporates it. That was a point, however, which he would not press at present.

But, suppose this bill to be Constitutional, would it be *expedient* to pass it? The creation of corporations in any well-organized Government ought to be avoided as long as possible. They are separate and distinct from the great body of the people. They are, if he might use the expression, like a counter-current in the great stream of legislation, and the multiplication of these counter-currents might, in time, prevent the great stream itself from flowing on. His own impression had been, that the United States ought to avoid creating corporations of any description. The ground on which the constitutionality of the Bank of the United States had been sustained by the Supreme Court was, that it was necessary to enable the Government to collect and disburse the revenue. Had it not been for that, Mr. H. said, the Bank of the United States would have been declared unconstitutional by the Supreme Court. Now, he asked, was the association proposed to be incorporated by this bill necessary to the general welfare, or to carry into effect any of the delegated powers of Congress? Not so, Mr. H. said.

But is it not, he asked, a dangerous principle to incorporate either the Army or the Navy, or any portion of them? They are formidable bodies, to whom it would be dangerous, and of course inexpedient, to give corporate powers. Supposing the bill to embrace the seamen as well as the officers: it would be but to extend the principle of the bill a little further than it now goes. What Government had ever done such a thing as it was now asked of this Government to do? No one; nor did he know that such a thing had ever been even proposed in any other country.

Mr. H. concluded, by saying, he believed the object of this association, and of this bill, to be what was avowed. The petitioners would not have asked it, and the committee would not have reported the bill, if it was not so. Its inviting garb, however, ought not to induce the House to give its sanction to a dangerous measure, not reconcileable to the spirit of the Constitution, if to its letter.

Mr. COLDEN, of New York, said he had assented to the amendment which had been adopted, that the friends of the bill might present it to the House in such shape as they thought would render it most acceptable; not because these amendments had removed the objections which he had submitted when the bill was finally on its passage. On the contrary, said Mr. C., the amendments strengthen my objections, or rather, I should say, they enable me to show, as I think, more glaringly than I could otherwise have done, what appears to me to be the unconstitutionality of the proposed law.

I consider it fortunate, Mr. Speaker, when great Constitutional questions present themselves, as that does which we are now to decide.

Whether we adopt the measure proposed by the bill, or not, cannot be of any great consequence to the persons who are asking of us this act of legislation. For, if a corporation be necessary to the advancement of their benevolent purposes, there is not a State in the Union that would not grant them the corporate powers they are seeking from us. For one State, (that from which I came,) I venture to pledge myself that they have only to express their wish to the Legislature, and it will be granted. To the nation, further than regards the constitutionality of the measure, it may be of no great importance whether the act be passed or not. We are free, too, in this case, from that influence which must necessarily be connected with great money institutions; and it is not possible that any political feelings or prejudices can mix themselves with our present discussions.

It seems to have been conceded that Congress cannot pass this law in virtue of the general powers of legislation committed to it by the Constitution. But, when this bill was last before the House, it was intimated, that, although Congress could not enact it in virtue either of its general legislative powers or of its local powers to legislate for this District, yet, that, by the aid or union of both those powers, authority was derived from the Constitution to pass this act, or to constitute any similar incorporation.

It was said, that, in virtue of the local power, Congress might create the body corporate, declare its existence within the District, and then, in virtue of the general power, they might authorize the

corporators to perform all acts in any part of the United States which are incident to or might be requisite to accomplish the objects of the incorporation. I shall not at present, sir, attempt to give this suggestion any other answer than to say that such a doctrine attributes to Congress the power of universal legislation. They may, in virtue of the right they possess to legislate over the cessions of the States for fortifications, magazines, &c., erect a bank in every fort, at every arsenal, and in every navy yard. The corporators may dwell in our cities; the elections may by law be conducted there; the electors may meet there; and all the functions of the body politic be performed without the limits of the special jurisdiction of Congress. I shall reserve any further notice of a doctrine which appears to me so monstrous, till I find it attempted to be maintained, and till I understand more clearly on what grounds it will be advocated.

It is on the local power of legislation given to Congress that the advocates of the bill, as I have understood, mean to rely to maintain its constitutionality. This power is given by the eighth section of the first article of the Constitution, in the following words: "Congress shall have power to 'exercise exclusive legislation, in all cases what-'soever, over such District (not exceeding ten 'miles square) as may, by cession of particular 'States, and the acceptance of Congress, become 'the Seat of Government of the United States; 'and to exercise like authority over all places pur-'chased by the consent of the Legislature of the 'State in which the same shall be, for the erec-'tion of forts, magazines, arsenals, dock yards, and 'other needful buildings."

I shall deviate, sir, for a moment, from the course I am about to pursue, to ask the House to mark that precisely the same powers of legislation which are given to Congress in relation to the Seat of Government, are given to it in relation to the cessions which have been made by the States for the erection of forts, &c. The powers cannot be different, because they are conveyed by the very same words. And if Congress may erect this corporation within the District of Columbia, they may erect a like corporation, or a corporation for any other purposes; as, for instance, for banking purposes, within any of the States, or within the cities of any of the States, wherever they have a fort, magazine, navy yard, &c.

But the power now under consideration is that which is given to Congress to legislate *over* the District of Columbia. And the question occurs, Are we, when we are passing this act, legislating *over* this District? What is there in the bill which gives it such a locality as that we can say it is more connected with or has more relation to the Seat of Government than it has to any other part of the United States?

When I first offered objections to the passage of this bill, I stated that, conceding that Congress, in virtue of their local power, have authority to locate a corporation, they cannot exert that power to this effect, unless there be something local in the character of the persons to be incorporated, or something of the same character in the powers to be exercised by the corporate body, or in the objects to be effected by the incorporation.

With respect to the persons to be incorporated by this bill, it is not pretended that they have any particular local character. Not one of those named in the bill reside, as I believe, within the District. Nor is it pretended that those who will immediately take the benefit of the act, or incorporation, or those who will succeed them, will be inhabitants of the ten miles square. On the contrary, this act is solicited on the very ground that the persons to be incorporated can have no fixed residence, but are necessarily dispersed to every quarter of our territory, and indeed it might be said to every quarter of the world.

To decide whether there be any thing local in the powers to be exercised by the corporators, or in the objects of the incorporation, we must examine the features of the bill.

The friends of the bill rely very much upon the declaration in the first section, that it is to be a corporation "within the District." But this declaration cannot make the bill what in fact it is not. If there be nothing connected with the corporation which makes it local, it is no more a corporation within the District of Columbia, than it is a corporation within any other territory or district of the United States. This declaration, so far from reconciling us to the bill, should, as it appears to me, render us the more averse to it, because it is giving it a character and color, for the purpose of bringing it within the reach of our restricted legislative power, which it does not deserve. If neither the persons incorporated, nor the powers to be exercised by them, nor the objects of the incorporation, be local, or in any wise particularly connected with the District—then, if this bill passes, this will not be, in fact, a corporation "within the District of Columbia," however solemnly we may enact that it is so.

The usual corporate capacities, to have a name, to have a seal, and to have perpetual succession and existence, are given by the act. I do not suppose it will be contended that there is any thing of a local character imparted to the corporation by giving it these qualities. It is the functions of the corporation, or the acts which the corporators or their representatives, the directors, may perform, which, as it appears to me, must determine the locality of the institution. One of these functions is that of choosing directors. As the bill stood previously to the late amendments, the directors were to be chosen at each naval station, and it was said, that, as the United States had the same exclusive jurisdiction on those stations that they have within the District, there could be no objection to this provision. But, upon reflection, the friends of the bill had shrunk from attempting to maintain this dangerous position. It exhibited, too glaringly, the consequences to which their doctrine would lead. And they have amended the bill by providing that the elections may be held in such manner as the by-laws of the corporation may prescribe. Still, then, they may be held in the naval stations, or they may be held any where in the United

States! How can this amendment give that character of locality to this corporation, which, by resorting to the amendment, it is acknowledged, was wanting, in this particular at least, previously to its adoption? Sir, it was a reference to this amendment particularly, which induced me, just now, to say that the amendments that had been adopted rather strengthened than removed my objections to the bill.

The new board of directors are to meet "at the Seat of Government on the first Monday in January, annually." Let it be observed, that here is no provision which requires that the directors should ever convene within the District. Congress have not, necessarily, any exclusive legislation over the place which may be the Seat of Government. Though Congress may transfer the Seat of Government at its pleasure, it can assume no right of legislation within the territory of a State, without the consent of the State. If, therefore, the Seat of Government were to be re-transferred to New York or Philadelphia, where it has heretofore been, the directors must meet annually in New York or Philadelphia, and would not be obliged, by the terms of the law, ever to hold their meetings within the territory of Congress. But, supposing this objection should be thought too refined: It must be admitted that the directors will be required to hold but one meeting in a year at the Seat of Government. All their other meetings and all their business may, at any other time, be transacted where it may best suit their convenience. Now, then, I ask, whether the meeting at the Seat of Government is not a mere color? and whether, to require this, and no more than this, is not evidence that this bill is an attempt to do, indirectly, what we dare not do openly and directly? You are in fact going to create a political body, which, to all intents and purposes, is to be as much a corporation, in each particular State, as any that could be created by its own legislature. You mean, in virtue of your local power, to legislate, not "over" the District, but over the whole United States, by creating a corporation for the whole United States; but you mean to conceal that you are about to usurp so monstrous a power, by providing that a quorum of the directors shall meet once a year at the Seat of Government. If, in virtue of this provision, you may erect this corporation, why may you not erect a corporation "within the District of Columbia," to carry on the fur trade of the Northwest for the benefit of widows and orphans of the army at St. Louis, in Missouri? Why may you not have a corporate mining company in Illinois or Indiana, to work the mines of metal of Lake Superior? Why may you not give the iron companies of the East corporate capacities? If you can pass this law, you may do all this, if you only take care to insert in the charters you may grant, that a majority of the electors shall, once a year, come to the Seat of Government, wherever it may be!

It was pointed out to me, sir, when I first opposed this bill, that I had overlooked an important feature which gave to it the character of locality, I insisted it was without. This is the provision, in the first section: that this corporation may hold real estate within the District of Columbia. Personal estate they may have any where; but, if they will hold real estate, it must lay within the District. The argument derived from this provision of the bill is, that, when you enact this law you are legislating over the District, because the real estate of the company must be here. But, suppose the corporation should never see fit to acquire real estate? Then, it never will have this feature of locality, and it will be exercising powers, by your authority, which you have no right to grant.

There is another important, and, as it appears to me, objectionable provision in the bill. The first section makes the corporation capable to sue and be sued "in any Circuit or District Court of the United States," and, it is added, "or other courts having competent jurisdiction." The phraseology here, sir, is ambiguous. I am not certain that the last qualifying words would be taken to limit the cognizance of the courts of the United States. But I can hardly believe it to have been the intention of the framers of the bill to make so large an inroad on the jurisdiction of the States, as would be made by giving to the corporation a right to resort to the courts of the United States in all cases whatsoever, without regard to the character of their adversary, or the nature of the controversy. But, I ask, whether one evil of incorporations, like this, would not be to give the courts of the United States appellate jurisdiction at least, from the State courts, in all cases to which corporations created by a law of the United States were parties. Every case in which they should use their corporate name, in virtue of an act of incorporation by Congress, would be a case arising under the laws of the United States, and might be carried to the Supreme Court of the United States.

I think, sir, I have shown that this bill will not create a corporation "within the District of Columbia;" that its qualities or capacities do not give it that character, and its functions no more connect it with the District, than they do with any other part of the Union; that we are not, in passing this law, in fact, exercising legislation over the District of Columbia. But, it is said that the powers of Congress, to legislate for this District, are supreme, and that they may exercise, in relation to the District and to the people of the District, all the powers which a State may exercise over its territory and people. I admit the position; that is, I admit that Congress may pass any law in relation to the District that a State might pass, and which, in virtue of the authority of the State legislating, would have the force and effect of a law. But, let it be remarked, that a State can pass no law which, in virtue of its own authority, can have any effect out of its territory. A State may pass a law, and the State of New York has done so, to prohibit its citizens from fighting duels out of the State. The law could have no force or effect until its offending citizen came within its jurisdiction, and so became obnoxious to its sanctions. A State may establish a bank—may pro-

vide that its stockholders may reside, its elections be held, its funds be distributed, and even its directors meet in another State; different steamboat companies in the United States afford instances of such corporations. But can such a corporation exercise any of these functions in a State foreign to that by which it was incorporated, in virtue of its law of incorporation? If such acts are exercised in the foreign State, it is in virtue of the tacit or express permission of the foreign State. So far as respects any other State, or any act to be performed out of its territory, the act of the State granting the incorporation is not a law. No rule of action, unless the sovereign power by which it is prescribed may enforce it, can be a law. It seems to me absurd to call that a law, which one Legislature may prescribe and another Legislature of equal power prohibit. A State, therefore, can pass no law which can have any force or effect out of its territory; and unless Congress will take to itself, as legislators for this District, powers beyond those which a State has to legislate for its territory, we cannot pass this law, the provisions of which all (except that which relates to the annual meeting of the directors) apply to acts which may be performed out of the District. It may be asked if a State may, by its enactment, prescribe that certain acts may be done out of its territory, and trust to the courtesy of its neighbours to permit the performance, why may not Congress pursue the same course in relation to the District and the other States? The answer, to my mind, is obvious and conclusive. There is nothing to restrain a State from legislative acts which may refer to a foreign State; or, in other words, there is nothing to hinder one State from giving their acts the form of legislation for its neighbours. But Congress cannot proceed upon these grounds. Their legislative powers are strictly limited. They can enact nothing that is not warranted by the Constitution; and the power to legislate over the District of Columbia does not allow them to pass any law which is to have operation beyond it. The necessity for making this distinction between what the States may do as legislators for their respective States, and what Congress may do as legislators for the District, appears to me very obvious. If Congress might legislate for the States, on the ground that the States would permit what Congress could not enforce, we should be utterly at a loss to know when Congress meant to exert its legislative power, or when it intended only an appeal to the courtesy of the States, and the inquiry would still be more complicated when it would involve a consideration whether it were the local or general legislative powers of Congress, from which the enactment emanated.

But we are told that this bill is not a novelty. That Congress has already passed many acts of incorporation. I know of none, except the incorporations of the various banks of this District. Now, without referring to the terms of the act by which charters are granted to the District banks, there is an obvious difference as to the objects proposed by those charters and this; all these banks were to be established in the District; they were to conduct their business here; their directors were to meet here; and their elections to be held here. In the act incorporating the Potomac Bank, the only one I have had the opportunity of examining, there is a provision, probably common to all of them, that if a director changed his residence, and removed from the District, his seat at the board of direction becomes vacant. The observations I have previously made will sufficiently illustrate how different these acts of incorporation are from that which it is now proposed to grant. The former are, in truth and in fact, local; it is mere pretence to say that the latter is so.

I am aware, sir, that the case of Cohens against the State of Virginia may be appealed to, and that some expressions of the judge who delivered the opinion of the court may be quoted to prove, that, in virtue of the local powers to legislate for the ceded district, Congress may extend their legislation, for some purposes, to the territories of the States. But, let me remark, that whatever is said to this effect, by the court, in the case referred to, is but by way of elucidation and argument, which judges never fail to caution us is not to be received as authority. The example given of what may be a rightful legislation by Congress, to have effect beyond the limits of the ceded district, in virtue of the power to legislate for such districts, is one that cannot be a precedent for the act we are now considering. Congress have declared certain offences committed in fortifications punishable with death; and the court says Congress must have power to direct that the trial, execution, &c., shall take place within the territories of a State. If this power belongs to Congress, it is an incidental power—incidental to the power to legislate for the ceded territory, one necessary to carry that power into execution. But, let me ask, to what express power is this act incidental? Or to the execution of what express power is this act necessary? But, I repeat, the court, in Cohens against Virginia, has decided no Constitutional question; they have not decided that this Corporation, elected by thirteen thousand people, can legislate for the ten millions of the United States. The court has not decided that this Corporation, elected to plant poplar trees and to make gravel walks from one village to another village, in this wilderness of a city, can control the several laws of the other States. All that is decided in that case is, that the law of the Corporation of Washington did not mean that their lottery tickets should be sold in other States.

These are the considerations, in reference to the Constitutional powers of Congress, which will induce me to vote against this bill. But, besides the questions of how far it may be politic to make the Navy one great body politic, and the Army another, which have been suggested by the honorable member from Kentucky, I think the measure somewhat questionable, as respects the discipline of the Navy. I am a good Republican, Mr. Speaker; that is to say, I could not live contentedly under any other than a free representative government; but I do not think we could have a democratic government on board a man-of-war.

When an order is given to fire a broadside, or to put the ship about, it will not do for the crew to question the authority of the commanding officer, or the constitutionality of the order. If you establish these corporations, where the officer that is of the lowest grade in the ship may outrank his commander, when they meet as members of a corporation, you encourage ideas of insubordination, very unfriendly to the necessary strictness of naval discipline. The electioneering for the officers of the institution, which will be introduced, will have a like bad tendency. The duties of a director may often be in collision with the duties of an officer; while the order of a commander may call an officer to one station, his corporation duties may require him at another, and possibly he might think that a law of Congress was to be obeyed in preference to the order of his military superior.

Mr. Speaker, I have heretofore said enough to evince that I duly appreciate the benevolent object of the proposed institution. I hope, sir, that I shall not be misunderstood or misrepresented on this point. As to the widows and orphans of those who fall in the public service, I think their country should take them to its bosom and supply to them their lost parents and protectors. As to the gallant man who is first mentioned in the bill on your table, (Captain Hull,) did it depend on me, he should enjoy riches and honor while he lives, and I would erect a monument to his glory after his death. What American can think of what he has done for his country without emotions of pride and gratitude? Let us recollect our situation when his name first filled the public ear; an army which had disgraced us by its vain boasting, had further disgraced us by a shameful surrender—from every side we only heard of defeat and disaster. The American eagle seemed sleeping on her perch. The thunder of the Constitution was heard. The Genius of America was roused; she hovered over our banners, and harbingered them to victory. Never shall I forget the feelings of the moment when I was told that one of the fir frigates, so contemned in the British Parliament, had come in contact with the wooden wall of old England, and that the striped bunting waved triumphant over the proud Cross of St. George. With such feelings, sir, I can harbor no hostility to any plan which might better the condition of our Navy, and in voting against this bill, I trust it will be believed I am actuated only by a sense of duty.

Mr. Fuller, of Massachusetts, said that, being well acquainted with the liberal sentiments of the gentleman who had just resumed his seat, (Mr. Colden,) in regard to the Navy, he had been the more surprised to find him foremost in taking exceptions to the bill now under consideration; a bill so laudable in its purposes and so unexceptionable in all its bearings. When, on a former day, he (Mr. F.) had moved for its consideration, the gentleman from New York had objected, that some of the functions of the proposed corporation were to be performed beyond the limits of the District of Columbia, and it had been recommitted for the purpose of removing the objection, although the friends of the bill were of opinion that the objection was groundless. Before the amendment, the annual elections of the officers of the institution were to be held at the naval stations; and, as the jurisdiction of the United States was as extensive, by the Constitution, on all those stations, as within the District of Columbia, it was impossible to conceive an objection to authorizing the elections, or any other corporate act, to be performed there. By the amendment, the elections are left to be adjusted by the by-laws, and no corporate act is authorized beyond the limits of this District; but, for the purpose of enabling the members to choose their officers without a personal attendance, they are allowed to vote by proxy, the effect of which will be, that officers on the several stations, or on distant service, will send their letters of attorney, or proxies, to their friends at the Seat of Government, and will either designate the individuals they prefer, or leave it to the discretion of their agents or correspondents. Very little inconvenience would be felt by such an arrangement, and it was hoped that the objections, in the minds even of the most fastidious, would be thus removed. It seems, however, that this attempt has increased the difficulties in the mind of the gentleman, and I confess, said Mr. F., that I was for some time, utterly at a loss to comprehend the pertinency of some of his remarks, or to account for the zeal and earnestness which he has displayed in opposition to the bill. At last, however, the solution appeared: The gentleman seemed to believe that he was opposing a bank; his arguments tended to prove that a bank was disguised under the humble garb of a charitable institution; and when it is recollected that he assailed the National Bank almost on the first hour of his taking his seat in this House, it is obvious that every thing which can be suspected of affinity to such a portentous institution, must encounter the whole energy of his resistance. It may be necessary for the friends of this bill to assure the gentleman and the members of this House, that the objects of it are merely charitable. It was originally introduced on the application of a large number of officers of all the several grades in the Navy and Marine Corps, at the head of whom is the name of that distinguished and gallant officer, who, on board the Constitution frigate, first broke the charm of British invincibility. Other officers of distinction are among the number. But it must be admitted that much the greatest proportion of the petitioners, and of those who may be expected hereafter to become members, are from the inferior grades. The reason is obvious; while the pay and emoluments of those in the highest ranks of service may place them in a condition of comparative independence, the officers of inferior grades are scarcely able to provide a competent support for themselves and their families. What, then, must be the destitute condition of the widows and children, or other dependent connexions, of officers who die in the service? And what officer can reflect, without deep anxiety, on the

distress, which will be the consequence of his death, to those objects of his affection? Surely all will agree that it is a most commendable effort in these men to provide, as far as in them lies, a remedy for so deplorable an evil. And how do these petitioners seek to accomplish their object? Not by asking an appropriation of moneys from the Treasury, "not otherwise appropriated;"—but by regular and moderate contributions, by *themselves*, to raise a fund, which in time may be adequate; contributions which many will be able, from their slender means, to afford, but which the younger officers, not being encumbered with families, will be induced to make, by retrenchment of those personal expenses which may well be dispensed with. These periodical payments will be scarcely inconvenient to far the greater part of the members, and they will thus provide a fund, which will afford the assurance to every officer, when he is about to execute the most perilous enterprises in the service of his country, that his devotion to his duty will not, in any event, bring misery upon his helpless family. Thus, without expense, or any concession by the Government, the bill, if adopted, will essentially contribute to the public advantage.

But the gentleman has strongly urged that the proposed act is neither within the local nor general powers of the General Government conferred by the Constitution; and he has attempted to distinguish it from those acts of incorporation which have been granted to banks and other institutions within this District. The difference, however, will be found, on examination, to be only apparent, and to amount to no difference in principle. It is true, that the officers to be incorporated are distributed through all the States in the Union, probably in some proportion to their population, and that the District of Columbia is the "local habitation" of no more than its due proportion. But, sir, the object of the institution is single; all its operations require that it should be fixed in one place, and the Seat of Government is, in all respects, the proper, as well as the most convenient place. How, then, does the place of residence of the members affect the right of Congress to incorporate them for purposes to be accomplished by functions performed within the District? For I shall first consider the Constitutional power of Congress on the ground that it is a local institution merely. The members who have been incorporated as bank proprietors, are not required by any of the acts, which I have seen, to be citizens of the District; and the Columbian College, lately incorporated, so far from being limited in this respect to citizens of the District, is well known to comprehend many who are not so; and probably far the greatest number of its members and officers are citizens of places beyond its limits. It has not been alleged that these acts were not within our Constitutional power. If, then, the fact, that one, or two, or ten members of those corporations are citizens of New York or Philadelphia, does not vitiate the acts in question, then any greater number cannot do so. The real criterion is, not the residence of the members, but the locality of the corporate functions of the institution.

But the gentleman protests strongly against any exercise of power by Congress over the District of Columbia, which is to have operation beyond it; and he seems to think that Congress ought not to legislate "over" the District with the same latitude that States may legislate over their respective territories, lest it should not appear, with sufficient clearness, whether their legislation is intended to be local or general. This argument has no weight in my mind, and it would be a subject of regret if a salutary and Constitutional act should be defeated, lest the courts in the several States should be puzzled in determining whether it was founded on the general or local powers of the General Government. I have thus endeavored to trace a sufficient power for our present purpose to our local jurisdiction; but it is not difficult to prove that this act may be passed by virtue of the general powers of Congress.

In the eighth section of the first article of the Constitution, Congress is empowered "to provide and maintain a navy," and "to make rules for the government and regulation of the land and naval forces." This comprehends the power to build ships of war, and to enlist and pay seamen; but it does not necessarily comprehend the power to grant pensions to the relatives of those who die in service: yet this power has been long exercised, not only by a general provision, but by particular acts, in cases not comprehended in the general law. That this is not indispensably necessary, is evident, because the navy was many years in existence, before the general provision was adopted. It is, therefore, a power incidental to the general power of supporting a navy, which implies that the best means may be adopted for the purpose, and among those means, the provision for the destitute families of those who engaged in the service, is not the least efficient. The present bill is of the same nature, conducive to the same end, and by means far less objectionable, as involving no expenditure of the public treasure. Is it not, then, conclusively shown that the general power of the National Government will sustain us in granting the incorporation desired? Nor can it be any objection even to the most fastidious guardian of State rights, that this power may be well sustained on both grounds, together, or on each singly.

The gentleman from New York says the States will grant the act required; and he assures us that his own State will be forward, on request, to give their aid: but, if the residence of most of the members in other parts of the Union, is an objection to an incorporation in this District, it must apply in nearly equal degree to any individual State; only a small proportion of the naval officers are citizens of any one State, and it might be replied to their petition by the Legislature of a State, "You are not our citizens: you are not our 'officers; we have no peculiar concern in your 'affairs; if the naval service of your country is 'attended with peculiar evils to your families, 'you ought to seek the remedy at the hands of

'the Government in whose service you are en-'gaged." Such an answer is reasonable, and ought to be anticipated. If it should be said that each State could incorporate those officers resident within its limits, it is evident that such a multiplicity of corporations and subdivision of the funds would defeat the object, and be utterly unmanageable.

The gentleman from Kentucky (Mr. Hardin) objects to the act because it is merely a "color" for the purpose of effecting objects different from what it purports to effect. I hope the real objects of the bill are sufficiently obvious, and that it will be admitted they are laudable. Lest, however, the gentleman should indulge any alarm as to the purposes which might be accomplished by diverting the funds proposed to be raised, to other objects than those avowed, as he has suggested, I will ask his attention to the sources from whence those funds are to flow—the quarterly contributions from the slender pittance of the officers of the Navy and Marine Corps, and those chiefly of the inferior grades. As the stream can never flow above its source, the gentleman's apprehensions are certainly groundless. If, however, at any future day, it should appear that these fears are really well founded, and that the public interest will be endangered by the farther continuance of the gigantic powers of the corporation, the remedy is provided by the last section of the act; the charter may be instantly revoked. This is, indeed, a power which might be tyrannically exercised in other hands, but it may safely be intrusted to Congress, and I would not fear to intrust it even to its present opponents.

Under the conviction, therefore, Mr. Fuller said, that the act proposed was perfectly within the Constitutional powers of Congress, and that it was not merely innocent but highly advantageous in its tendency to the public service, as well as most laudable in the individuals who were more particularly concerned, he earnestly hoped it would be adopted.

Mr. Mitchell, of South Carolina, said, he was much interested in the fate of the bill. Its object was charitable, and the motives, which actuated the gallant men who had applied for it, were such as every member on the floor must approve. It must be admitted, on all sides, that there were no persons to whom the nation was so much indebted as the officers of the Navy. They had not only protected our commerce, but had redeemed our character, and caused the American name to be felt and feared in the most distant latitudes. Surely, then, an application by them for our aid, in raising a benevolent society, whose object was to support their wives and children, when left poor and comfortless, must meet in every liberal mind with the warmest encouragement. But, however warmly he felt this sentiment—however alive his sympathies might be to the object of the bill, Mr. M. said he could not give it his support in its present shape. It was clearly unconstitutional. According to the bill, the incorporation was to be general in its operation; its jurisdiction was to extend over the whole United States; and its corporate powers, like those of the National Bank, to operate and be recognised in every part of the Union. The doctrine concerning our right to create corporations, had been laid down with great ability by the first Secretary of the Treasury, and had been so frequently confirmed by successive decisions of this House, as to become the common law of the land. No one would now contend, that we had generally a right to create corporations. They were admitted, and to be justified only under the restrictions of the last clause of that section of the Constitution which enumerates the powers of Congress. Where a corporation is political in its character—where it is essentially necessary to the execution of a power expressly vested in us—where that power could not be exercised to full effect without the existence of such a corporation, there, and there alone, are we justifiable in creating it. It was on this principle that the National Bank had been established. Such an institution was found necessary to the correct management of our fiscal concerns; in peace and in war the Government would be feeble without it. According to this rule, can we constitutionally create the corporation, as described in the bill? We cannot. Is it political in its character? No. It is a society of private charity, intended to benefit the wives and children of deceased officers, who have no more connexion with the Government than the wives and children of any other persons. Will it subserve to the execution of any of our enumerated powers? This surely cannot be pretended. He was clearly of opinion, therefore, that we cannot, as the Congress of the United States, in our capacity as national legislators, grant the charter described in the bill. But can we grant it as the local legislature of the District of Columbia? Mr. M. said he would endeavor to show that we could not, in its present shape; but if the amendments which he had risen to propose, were adopted, he thought it would then be legal, and might be passed.

Mr. M. said, he perfectly accorded with the honorable gentleman from Kentucky, (Mr. Hardin,) that we could exercise over the people of this District any power of legislation which the States could exercise within their respective limits. Have the States a right to create corporations of any character and for any purpose? Certainly. But such corporations have no jurisdiction any where else. When they are recognised as corporate bodies in the courts of sister States, it is not of right, but from courtesy. He had been informed by a most enlightened and respectable member of the West, that, by a judicial decision in Kentucky, the bank of a sister State could not sue within the jurisdiction of that State, in its corporate capacity. It was necessary that the action should be brought in the names of the individual stockholders. He was informed from another quarter, that a similar decision had been made in Virginia. Mr. Mitchell said, he was not lawyer enough to give an opinion on this subject; but he had too high a respect for these authorities to suppose the decisions incorrect. Taking this for granted, the corporation described in the bill is unconstitutional, be-

cause, in the first section, it is vested with power to bring suit in its corporate capacity in any court of the United States: Whereas, Congress, as the local legislature of the District, has no right to create a corporation for private purposes having more extensive jurisdiction than the corporations created by the States. He would presently introduce an amendment to confine the jurisdiction of the corporation to the limits of the District; and, if it should be adopted by the House, the bill in this respect might pass, as its unconstitutionality would be cured. The honorable gentleman from New York, (Mr. COLDEN,) had objected to the charter, because the capital was not limited, nor located within the District of Columbia. Mr. MITCHELL said, he considered these objections well founded, and to remove them, he would submit an amendment to satisfy the gentleman on these points. If, then, the powers of the corporation should be confined to the District of Columbia; if the capital should be located within its limits; if its amount should be prescribed and determined, he could not conceive a single objection to the bill; and with the warmest sincerity he hoped it might pass.

Mr. MITCHELL then submitted two amendments: one to limit the capital to the sum of $200,000; and to locate it in the District of Columbia; and, another, to enable the corporation to bring suits in courts having competent jurisdiction; both of which were agreed to.

Mr. GILMER, of Georgia, said, he perfectly accorded with the gentleman from South Carolina, (Mr. MITCHELL,) in regard to corporations. The United States, he contended, have no power to incorporate Associations for any general purpose whatever. There is but one other power to cover such a bill as this, and that is the power of exercising exclusive legislation over this District. What is the object of all Government? To secure and protect the rights of persons living within the territory over which that Government is established. Mr. G. then contended that Congress can create no corporation, under its power of exclusive legislation in this District, the object of which is not to secure and protect the rights of citizens within the District of Columbia. It is either under this power, or it is under the supposition of a general power, that this bill is presented to the House. Upon the face of this bill, the object of the proposed corporation is a general one. So far as it is general, and intended to operate without this District, its passage would be in violation of the powers of this Government. As far as the amendment proposed, went, he was in favor of it, but he wished it to be made broader, &c.

[Mr. M. then modified his amendment, which was then agreed to.]

Mr. MCLANE, of Delaware, made remarks at some length in favor of the bill, which are not here inserted, because he expressed himself to the same effect, but more at large, on the next day.

Mr. HARDIN, of Kentucky, made some further remarks in opposition to the bill.

The question was not taken, when, on motion, the House adjourned.

TUESDAY, January 7.

Two other members, to wit: from Vermont, CHARLES RICH, and from North Carolina, LEMUEL SAWYER, appeared, and took their seats.

The rule of the House this day took effect, which limits the presentation of petitions, after thirty days from the commencement of the session, to Mondays. No petition of course was presented this day.

The Committee on the Judiciary were discharged from the further consideration of the Message of the President of the United States, received yesterday, in relation to the laws of the Territory of Florida, and it was laid on the table.

Mr. SCOTT, from the Committee on the Public Lands, to which was recommitted the bill enabling the claimants to lands within the limits of the Territory of Missouri, to institute proceedings to try the validity of the claims, reported a new bill to enable the holders of incomplete French and Spanish titles to lands within that part of the late province of Louisiana, which is now comprised within the limits of the State of Missouri, to institute proceedings to try the validity thereof, and to obtain complete titles for the same, when found to be valid; which bill was read twice, and committed to a Committee of the Whole.

The House then proceeded to the consideration of the resolution submitted by Mr. MITCHELL, of South Carolina, on the 31st ultimo, in relation to surgeons in the Navy of the United States, and the same being again read, was agreed to.

Mr. EUSTIS, from the Committee on Military Affairs, made a report on the petition of John Goodall, accompanied by a bill for his relief; which bill was read twice, and committed to a Committee of the Whole.

Mr. MCCOY'S resolution, yesterday laid on the table, requesting the Secretary of the Treasury to report the amount of all fines assessed upon the citizens of the State of Virginia, for the non-performance of militia duty, during the late war with Great Britain, and what expenses the United States have incurred in such assessment, with the amount that has been collected by the Marshals, and paid over to the Treasury of the United States, or otherwise accounted for, was considered and agreed to.

The resolution of Mr. ALLEN, of Tennessee, also, calling on the Secretary of the Treasury for information relative to a loan of $100,000 made to Scott, Thornton, and White, late city commissioners, and the time when, and authority under which the loan was made, the conditions to be performed, and the accountability secured; how far the same has been complied with, and the difficulties existing to its settlement with the Treasury accounting officers, was taken up and adopted.

The resolution submitted by Mr. DENISON, likewise requesting the Secretary of the Treasury to report the time to which the accounts of the General Post Office have been rendered to the Treasury Department, and settled, and the differences existing between contracts for transporting the mails, and the amount paid on those contracts,

specifiying cases in which such difference is found, was taken up, and also adopted.

On motion of Mr. Mitchell, of South Carolina, the Committee on Commerce were directed to inquire into the expediency of erecting a light-house or beacon on Cape Romain, between the ports of Georgetown and Charleston, in the State of South Carolina.

On motion of Mr. Hill, the Committee on Commerce were instructed to inquire into the expediency of building a lighthouse on Great Duck Island, near Mount Desert, on the eastern coast of Maine.

On motion of Mr. William Smith, the Committee on the Post Office and Post Roads were instructed to inquire into the expediency of discontinuing the post route from Lewis Courthouse to Nicholas Courthouse, in Virginia.

The unfinished business of yesterday was, on motion of Mr. McLane, ordered to lie on the table; and the House resolved itself into a Committee of the Whole, on the bill making a partial appropriation for the support of Government; and, no objection being made to it, the bill was ordered to be engrossed and read a third time, which was subsequently done, and the bill passed.

A message from the Senate informed the House that the Senate have passed bills of the following titles, to wit: An act appropriating moneys for the purpose of repairing the National Road from Cumberland to Wheeling; An act for the relief of Robert Purdy; An act for the relief of James Nichols; and An act for the relief of Daniel Seward; in which bills they ask the concurrence of this House.

The Speaker laid before the House the following communications from the Secretary of the Navy, viz:

1. A report on the petition of William Mahy, which was read, and ordered to lie on the table.

2. Transmitting a statement of the expenditure and application of all such sums of moneys as have been drawn from the Treasury on account of the Navy, from 1st October, 1821, to the 30th of June, 1822; and the unexpended balances of former appropriations remaining in the Treasury on the 1st of October, 1821; which was referred to the Committee on Naval Affairs.

3. Transmitting an abstract exhibiting the expenditures under the head of "Contingent Expenses," for the year ending on the 30th of September, 1822; which received the same direction.

4. Transmitting a printed copy of the Rules and Regulations for the Naval Service of the United States, prepared under the authority of an act of the 7th of February, 1815, with such alterations and additions as have been deemed necessary, communicated in obedience to a resolution of the 23d ultimo; which received a similar disposition.

The Speaker also laid before the House a letter from the Postmaster General, transmitting a list of the persons employed in the General Post Office as clerks, in the year 1822, with the compensation of each; which were referred to the Committee on the Post Office and Post Roads.

CUMBERLAND ROAD.

The Speaker laid before the House the following letter from the Postmaster General:

General Post Office, *Jan.* 7, 1823.

Sir: In obedience to a resolution of the House of Representatives, passed the 31st December, relating to the state and condition of the Cumberland Road, the obstacles (existing) to the safe and speedy transportation of the United States mail on said road, and what effect they may have, if not removed, on the expenditure of the Post Office Department, I have the honor to communicate that, in the month of November last, I passed over the whole of that road, and, travelling only by daylight, was enabled to observe its state and condition, which I attentively did.

The western (being the newest) part of the road, is in a ruinous state, and becoming rapidly impaired.

In some places the bed of the road is cut through by wheels, making cavities which continually increase and retain water, which, by softening the road, contribute to the enlargement of the cavities; in others, the road is much injured, by the sliding down of earth and rocks from the elevated hills, and by the falling off of parts of the road down steep and precipitous declivities of several hundred feet; so much abridging the width of the road, that two carriages cannot pass each other.

Obstacles do really exist to the safe and speedy transportation of the United States mail upon that road. The mail contractors have sometimes been necessitated to remove them before the mail could pass on; and such delay produced, that the mail stages have in some instances been unable to reach their point of arrival in due season to deliver over the mail, and consequently producing failures.

If these obstacles are suffered to exist and increase, the great Western mail must be transported on lengthier, oblique, and circuitous roads, which will retard the expedition of the mail, and considerably enhance the expenditure of the Post Office Department.

The Cumberland Road, so interesting to the nation, will, in my opinion, formed by observations when upon it, cease to be useful unless repaired. That part of the road contiguous to Cumberland, and the oldest, is in a tolerably good condition, because it has been sensonably and judiciously repaired; which repair was true economy in the preservation of the road.

I enclose a letter from J. L. Skinner, Esq., an intelligent and practical gentleman, on the subject of that road; also, another from George Dowson, Esq., a gentleman of much respectability.

I have the honor to be, &c.

RETURN J. MEIGS, Jr.

Hon. Philip P. Barbour, *Speaker Ho. Reps.*

The letter was read, and, with the enclosures, ordered to lie on the table.

PRESIDENTIAL ELECTION, &c.

The joint resolution of Mr. A. Smyth, of Virginia, proposing several amendments to the Constitution, to disqualify for holding office all persons who shall be members of the House of Representatives, at the time of an election of President of the United States, &c., was read a second time.

Mr. A. Smyth, of Virginia, rose, and said that he would very briefly state the reasons which induced him to offer this amendment to the Constitution. He admitted that a nation ought not fre-

quently to alter its fundamental laws. But as no wisdom could foresee all defects in a form of government; when those defects shall appear, and especially when they shall appear during the youth of a nation, and threaten to produce pernicious consequences, it would not be prudent to refuse to amend them. And there is a difference, he said, between altering the provisions actually made by the Constitution, and adding, by way of amendment, such further provisions as time shall prove to be required.

The Constitution had, he said, been but twelve years in operation when a person was nearly made President by the House of Representatives, to whom the people had not given a single vote with intention that he should fill that office. An amendment has been made to the Constitution, providing against the recurrence of such an event; and this shows that no foresight can be relied on that is not the result of experience.

It now appears probable that it will frequently happen that the choice of President will be made by the House of Representatives. And it has been shown that, as, in making this choice, the vote will be given by States, thirty-one Representatives out of two hundred and twelve, representing a little more than one-seventh part of the people, may choose a President. Ten Representatives may give the vote of seven States.

I do not, said he, propose to alter even *that* provision of the Constitution; but I propose to prevent some of the mischiefs to which that provision manifestly tends. The mischiefs I apprehend are these: That the time may arrive when the wealth and population of the nation, being greatly increased, the power and patronage of the Executive may be also greatly increased; and the Presidential Chair may consequently become more desirable than it now is in the eyes of ambitious men. The President having the appointment of all the civil and military officers of the United States and foreign Ministers, and power to remove the whole except the judges, this will enable him to confer wealth and power on those to whom he shall be indebted for his elevation. Thus, the offices within the grant of the President will supply, with the means of amply rewarding his Electors, any man whose name should be found among the three highest on the list of votes given by the Electoral Colleges, and who shall have no scruples to prevent him from holding out to those who will support him the promise of rewards. Thus the more lax the principles of the man the greater the advantage which he will derive from this situation of things.

From the interest which the next Presidential election already excites throughout the nation, it is manifest that these elections of President are, in time to come, to endanger the tranquillity, perhaps the peace, perhaps the Constitution, of the United States. A Throne, said Mr. S., is a great temptation. Seldom have those who saw a sceptre within their reach failed to endeavor to grasp it; although, before they could secure it, crimes must be committed, and blood flow in torrents. We need not, said Mr. S., consult the history of former times. If Louis XVIII. could see, with joy, France conquered and despoiled by foreign armies, because a consequence thereof was, that he should occupy the Throne of that country for a few years of his old age, can we doubt that some candidate for the Presidential Chair of this great Republic will be found disposed to use all the power of the office of President as a means of obtaining the first situation in his country? Call the office what you will, he who fills it is elected for years to a seat in which he exercises Kingly power.

The amendment which I offer, said Mr. S., will remove from the election, or choice of President, the influence arising from the desire, expectation, or hope, of office. I anticipate from it very beneficial effects in securing the purity and tranquillity of those most important elections. The exclusion of a small number of citizens which will not, at the next election, exceed 260, if an election is made by the Electors, or 212 if the choice shall be made by the Representatives, cannot be in any wise detrimental to the interests of the United States. Some have proposed to exclude from office, at all times, members of Congress. I do not agree to that proposition—not seeing any sufficient motive for creating such a disability—but I would exclude the Representatives whenever they shall have been Electors of a President. Mr. S. concluded by entreating the members of the House, who might expect to be in the next Congress, to prepare their minds to make this sacrifice to the welfare of their country, and thereby secure, as far as practicable, the purity of the Government and the durability of the Constitution, &c.

Mr. S. then moved to commit the resolution to a Committee of the Whole on the state of the Union: which was agreed to.

NAVAL FRATERNAL ASSOCIATION.

The House then resumed the consideration of the bill to incorporate the United States Naval Fraternal Association.

Mr. ARCHER, of Virginia took the floor. He began his remarks by protesting against the influence attempted to be enlisted in support of the bill, from the connexion of the naval officers with it. He alluded to the admiration of the naval officers, which had become identified with the patriotic feeling of the country, and which was to be ascribed, he said, not exclusively to their achievements, but in part to the qualities manifested by the application for the bill, their humanity, the sure associate of chivalrous sentiment, and their fraternal attachment, the source of much of that pride of character for which they were distinguished. To a bill addressing the appeal which this did to feeling, there was but one consideration strong enough to induce resistance, and that was derived from the questionable character of the power, the exercise of which its adoption would involve. If this were the character, Mr. A. said, of the power; if there existed a well-grounded doubt of our competency to grant the boon which was requested, without a violation of the trust under which we exercised legislation; if

hazard were to be incurred in conceding the application, by which the interest of an inconsiderable number of persons would be consulted, of impairing that highest interest of an incalculable number—their interest in the Constitution;—the naval officers would be the loudest to applaud the opposition to the bill. They were the last to accept a personal boon at the price of detriment, or the hazard of it, to their country.

The question Mr. A. had considered as confined to the particular character of the exercise of the power of incorporation proposed by the bill, without involving any discussion of a general power of this kind in the Government. He understood, however, his friend from Delaware (Mr. McLane) to contend for the general power. [Mr. McLane explained.] Mr. A. expressed his satisfaction at the explanation, from the regret he should have in seeing his friend the advocate of erroneous opinions, in relation to a subject so important as the construction of the powers of the Government. And there were few opinions, he thought, in relation to the subject, more erroneous than that which imputed to the Government the power he had alluded to. It stood condemned as a derivation from implication, not only by its important and substantive character, but by the further attribute of its peculiar fertility of incidents. And if the doctrine could obtain, Mr. A. said, of the derivation, in an incidental character, of powers qualified to become themselves the sources of other incidental powers, there would be no limit to, nor any safety under, the sweep of this constructive interpretation.

Mr. A. proceeded to inquire into the character of the corporation which it was proposed to establish. Would it be a corporation, he asked, for the District of Columbia or for the Union, and testify the exercise of a local or a general power of legislation? It was by the result of this question of construction that the character of the bill, as respected constitutionality, was to be decided. He adverted to the tests which had been suggested for determining this jurisdiction of the corporation; the correctness of which he denied; and it was to the mistake in this respect, he thought the error of the opinion which maintained the Constitutional character of this exercise of power was to be ascribed. The residence of the members or persons forming the corporation, by their association, did not supply this test of the jurisdiction of the corporation. These persons might reside in part or altogether in a different country and political dominion from that which comprehended the corporation. Neither did the jurisdiction of the place in which the functions required for the conduct of the corporation were performed, necessarily describe its proper jurisdiction. The corporation was distinguishable both from the persons who contributed to form and the persons who administered its functions. Their spheres of residence, therefore, were not necessarily the same as respected legal jurisdiction. The corporation, though formed by the association of natural persons, and put in motion by their agency, formed what was called an artificial legal person—that is to say, a mere capacity or body of legal capacities of action. To what legal jurisdiction could this artificial person be considered as belonging? Manifestly to that in which it enjoyed its life—that is to say, in which it had its operation. Its legal action constituted its existence. Wherever this action extended, there it must reside; and to the political jurisdiction which controlled this sphere of action it must belong. It was to the proper regular action of the corporation, however—that which resulted from the design of its institution—that this remark applied. Any irrregular action, not comprehended in this design, did not fall within the just sense of the operation. It was the sphere of its appointed and proper operation, then, which pointed out the legal place and jurisdiction of a corporation. This jurisdiction might be the same or larger than that in which the functions of the corporation were performed, at the election of the authority from which the corporation emanated, according to its peculiar design. There was no greater necessity for confining the operation, or considering it as confined, to the particular district of municipal jurisdiction, than the particular city or house in which the functions of the corporation were required to be performed. The obstacle to just apprehension proceeded from not distinguishing with sufficient clearness the operation from the functions—the operation, though requiring the exercise of the functions for its production, constituting the being of the corporation, and defining therefore its residence as respected legal jurisdiction. The operation, as was obvious, might flow to a distance indefinitely remote from its source. It was the extent of this flow which determined the limits of the jurisdiction to which it belonged. If a question arose, therefore, whether a given limit of jurisdiction would be transcended by the establishment of a particular corporation, the extent intended to be given to the operation of the corporation, supplied the test by which it was to be decided. If the operation were intended to reach beyond this limit, then the boundary of the authority was transgressed.

Here, then, Mr. A. said, was a clear criterion established, for ascertaining the local or general character of the corporation, established under the complex jurisdiction of Congress, as the Legislature of the District and the Union. If the test were a just one, it would resolve all difficulties. Let it be applied to the case of the corporation under consideration. The scope of its intended operation was the test of the character of the corporation. What was the scope of the intended operation of this corporation? Was it intended to have its effect, to realize its ends in the District of Columbia? He would not ask whether the exclusive operation which would be necessary to give validity to the exercise of power, was any material part of it contemplated in the District? Might it not, with truth, be affirmed, that the whole real, he did not speak of the nominal operation, was contemplated beyond the limits of the District? Was the allegation of incorporation for the District any thing more, indeed, than a

fiction to give jurisdiction? The beneficial effects, the fruits of the power, the moving considerations to the creation of the corporation, were to be realized beyond the District? The friends of the bill would not deny this. They would not deny that the establishment of the corporation would be a matter of indifference, if its effects were to be restricted to the limits of the District. Were they treating our understandings fairly, then, in requiring us to characterize this institution as a mere corporation for the District? Mr. A. said that this appeared to him to be so far from a just description, that he was compelled to reaffirm the proposition of the gentleman from Kentucky, (Mr. HARDIN,) that the idea of incorporation for the District was colorable only, and that the measure involved in its real character the attainment, indirectly, of an end, which there was no direct power to attain. He spoke of the effect and the character only, not its motives, disclaiming all intention of personal imputation. If gentlemen could be induced to view the bill in the light which he did, he had no doubt of their concurrence with him in rejecting it. That this was the true view of it, he must continue to maintain; and that the effect of its adoption would, therefore, be an elusion of the restriction, which was not denied to exist in the powers of the Government, in this respect.

Mr. A. proceeded to adduce illustrations of his view, that the general character of the proposed corporation was demonstrated by its general operation, and that its establishment could not, therefore, be Constitutional. The Government itself was a corporation with the seat of performance of its functions in the District of Columbia; but it was, notwithstanding this position of the seat of its functions, the Government of the United States, from its operation on the United States. The acts of Congress, though passed in the city of Washington, were the laws of the United States. The criterion on which his friend from Delaware had relied, as evincing the local character of this corporation, that the orders for the disbursement of its funds would have to be made in the District, was fallacious. The local or general character of the corporation was to be determined by its operation, not its functions, and the orders for disbursement of its funds, made a part of its functions, and not its operation. It was the application of its funds which constituted its operation. The orders for disbursement were only essential preliminaries to it. If the principle of the inference were sound, as the orders for the disbursement of the public moneys were made at the Treasury, this department would be an institution of the District, or of the city, and not of the United States.

Mr. A. instanced the case of the Bank of the United States. Suppose, he said, this institution, established with the same legal operation over the Union which it had at present, but without branches, and possessing only a single office for the discharge of its functions, located in the District, it would still be the Bank of the United States. Its existence as a legal institution would be as unquestionable in the States in which no offices were established, as in those in which they were. Gentlemen, however, would have to contend for the contrary propositions, who maintained the local character of the present corporation.

Mr. A. derived a further illustration of his argument from the case of the custom-houses. There was an anecdote of Mr. Jefferson, that a gentleman, pressing on him the political importance of New York, from the amount of its contributions to the Treasury, he replied by inquiring if the custom-house were transferred to the Jersey shore, what would then be the source of these contributions? The inference was of parallel character here. Previously to the transfer, would the institution be an establishment of New York, or subsequently of New Jersey, or, in either event, of the United States? If the latter, the sphere of operation of an institution, and not the place of performance of its functions, gave the rule, as respected the jurisdiction to which it attached.

The incorporation of the District banks and the Columbian College, had been supposed to present cases in conflict with the conclusion, from the argument which had been stated. The principle of distinction was obvious between these corporations and the corporation under consideration. It was the scope of the proper operation of a corporation, and not effects resulting from it beyond its design, which gave the rule for determining the jurisdiction of which its establishment was to be considered as an exercise. Any operation which the banks incorporated for the District might have beyond its limits, was not to be considered as forming a part of their proper operation. A currency being required, or supposed to be required for the District, it was within the competency of Congress, as its legislature, to make provision for such an object. It was an object, not of nominal merely, but real character, which not only colored, but covered the establishment of these institutions. The possibility of the occurrence of an indirect irregular operation beyond the District, was not to defeat the exercise of an acknowledged district power, for the accomplishment of a necessary district purpose. The want of jurisdiction beyond the District, was not to prevent the exercise of a legitimate jurisdiction which had a valid relation to the District. If, indeed, these institutions were framed upon a scale adapting them for operation beyond the District, as well as within its limits, this would be evidence of an abuse, but not an assumption of jurisdiction. An unwarrantable abusive exercise of an admitted jurisdiction, was not usurpation, though it was nearly allied to usurpation of jurisdiction. But the case here, would not be a mere abusive extension, but substantial assumption of authority. The distinction perhaps was nice, but it was perfectly intelligible. The establishment of the banks had a real reference to purposes to be attained within the District. They would have a sufficient object for their establishment, though not perhaps on the same scale as respected number and amount of capital, if there was a certainty of the circulation of their notes not extending be-

yond the District. Their principal operation really took place in the proper and regular sphere of their operation in the District. But this would not be the case with the corporation which it was now proposed to establish. The name of the District was only used in this case, to give effect to an operation which had its real purposes and scope beyond the limits of the District. Even if the establishment of this corporation, like the undue extension of the banks, were only an abuse, and not a substantive assumption of jurisdiction, the argument applied against it with nearly the same force, as an abuse of the grossest possible description. A similar course of remark applied to the case of the Columbian College. The establishment of a seminary for education was a real necessity of the District. Provision for it was within the competency of Congress, as the legislature of this District. The possibility of an abusive extension, as respected the scale of this provision, could not discharge the right to make it, any more than the duty of exercising this right. If the provision were really characterized by this undue extension, still the vice which adhered to it was not defect in the authority to establish. This institution did not not stand then on the same footing of authority with the corporation under consideration.

The power then which Mr. Archer denied, was not, as the argument of gentlemen supposed, a power to incorporate for the District, but, through the District, for the Union; and thus to obtain an authority over the States which was not given by the Constitution. It was not the arbitrary or even despotical authority asserted over the District, which was contested; but the competency to pervert it to a co-extensive authority over the Union. This was the doctrine which had been asserted in effect by the Supreme Court, in the decision in the case of Cohens and Virginia, which had been alluded to. His friend from Delaware (Mr. McLane) had fallen into an error in stating this decision, from confounding the two opinions delivered by the court on the point of jurisdiction, and on the merits. When he combined a view of the possible employment of this doctrine to purposes of danger, with what he considered to be its fallacy, he found it difficult, Mr. A. said, to put a measure to his reprobation of it. It was the principle of the bill then, which might prove an entering wedge to this doctrine, which he resisted. He would not lend his aid to plant this seed, which might expand and bear fruits fraught with poison to his country. The propositions could not be controverted; that the operation of the bill was as wide as the Union, and that no power could be shown, to give it this extent of operation. The inference from the absolute character of the district power, availed nothing to the argument; because no power, however absolute, could have a competency to transcend the sphere of its territorial limits, in its exertion.

Mr. A. stated a further objection to the power to pass the bill, derived from the character of its object, even supposing the existence of a general power of incorporation in the Government. The limitation on the general authority derived from the distinction betwen the general and municipal character of objects of jurisdiction, was now generally recognised. If this limitation were not observed, there was none of a constructive character which had a chance of being respected. But the object in the present case, a charity, was strictly municipal in its character. It was an object, too, which could be carried into effect in a better manner by the exercise of State than of Federal authority, (which was one evidence, by-the-by, of its municipal character,) from the more equitable apportionment which would be established between the local burden and the local benefit, where each State incorporated for so much of the object as was to be obtained within its limits. It was a burden, however, which, to the extent to which the object merited support, ought to fall on the public authority, State or Federal, and not on the naval officers; whose emoluments were too scanty, as they were too well earned to be subjected to charge or diversion for an object which was of public concern. The object was attainable to every proper extent, under the Federal Government, by the exercise of the power to pension. For the Government did possess, Mr. Archer said, a power to pension, though it did not possess a power to incorporate; of which he hoped we should give an evidence in a few days, by an unanimous concurrence in the passage of a bill on the table, the bill for the relief of the mother and sister of the late Lieutenant Allen.

The friends of the bill, Mr. Archer concluded by remarking, appeared to him to be placed in a dilemma. If the bill was not to have its effects beyond the District, it was nugatory; if it were, it was unauthorized. Direct power to attain the object was not pretended; indirect attainment could not be justified. As respected the beneficent character of the object, it ought to induce distrust in as great degree as favor; assumptions of authority being always first presented in this disguise. It was the history of all successful usurpation, that the first encroachments were gilded by plausible objects or pretences; and these served as precedents for others, till links in sufficient number were added, and the chain rendered strong enough to bind irretrievably the rights and the hands of the people.

Mr. Wood, of New York said: Sir, it is admitted that the bill before the House embraces objects not of a local nature, and is intended for the benefit of persons not within the District.

The advocates of the bill claim the power to pass it under the sixteenth clause of the eighth section of the first article of the Constitution, which gives Congress exclusive legislation, in all cases whatsoever, over such district, not exceeding ten miles square, as might be ceded to them by any of the States, for the Seat of Government. Under this clause, the friends of the bill contend that Congress, within the District, have supreme power over all objects whatsoever, that if the functions of a corporation are performed within the District, the objects and parties interested, may be foreign to it.

Without controverting the literal meaning of the terms of this clause, I apprehend that a practical operation of this construction would lead to the exercise of power hostile to the intention of the Constitution, by a fair and reasonable interpretation of the whole instrument, and destructive to the relative powers of the General and State Governments, as adjusted by the Constitution; and that some limit must be assigned to the exercise of this power, to give effect to such intention, and to guard against such mischief.

Every instrument is to be so construed as to give effect to the whole, if possible; and if some of its provisions are contrary to others, it is subject to such construction as best comports with the obvious intention of the parties. If a literal construction of this clause, by the occurrence of any unforeseen event, embraces a larger field than was intended, and especially if it can be construed to authorize a power which, in its exercise, will interfere with the powers reserved to the States by the Constitution, ought not Congress, by a cautious legislation, to control its operation, and prevent such conflict?

That the power of Congress over the District was not intended to be universal, or extra-territorial, in its operation, will be evident, if we test it by the object of our Union—the character of the powers of the General and State Governments—the object of the power over the District—the limitation of the territory—and by the consequences of a contrary construction.

The object of the union of the States is public security. The State governments are adequate to every other purpose. The people of the United States, at the adoption of the Constitution, made a new distribution of their sovereign power; to the General Government they intrusted the public force, the power of peace and war, the subject of revenue, the regulation of commerce, and intercourse with foreign nations, with certain specified powers that required uniform regulations throughout the country, with correspondent judicial authority; and reserved to the State governments the protection of person and property, the subject of internal trade and internal improvements, and administration of justice, with all other local and municipal powers.

The powers committed to the General Government are of a general character, and were intended for national purposes. Those reserved to the State governments are of a local nature, and intended for local purposes. Each government was intended to be independent in the exercise of the power intrusted to it. Both are supreme in the exercise of their legitimate powers. This arrangement of power, adjusted with so much care and jealousy, would be totally defeated by a construction that would authorize Congress to attach the character of nationality to the laws of this District.

The same conclusion results from the object of the grant. The sole purpose of this was to render Congress independent in the exercise of their functions; to preserve their deliberations free and uninterrupted, without the aid of State authority, and not to furnish a resting place for the lever of constructive power, by which the States might be thrown from their orbits.

The limitation of territory to the maximum of ten miles square, corroborates the same conclusion. Much less than this would have been sufficient for the erection of the public buildings, and the accommodation of the public officers; and the amendment proposed to this clause by the Convention of Virginia, and one or two other States, favors the opinion that it was then supposed the whole extent would not be accepted, or, if accepted, would not embrace any considerable portion of population, and would only need the ordinary regulations of police, or a very limited authority. The omission of the Constitution to define the nature of this power, or to restrict its exercise, so as to render it conformable to the municipal power of the States, is conclusive to show that it was not then believed, either from its minuteness or locality, that it would ever come in conflict with the power of the States.

The like conclusion results from the mischiefs of a contrary construction. By the sixth article of the Constitution, all laws passed by Congress, without any distinction between those of a local and such as are of a general character, are supreme. If the exclusive power of Congress within this District can be construed to embrace objects without the District, then every act of Congress in relation to the District, that can have an operation beyond its limits, must control the laws of the States, whenever it comes in conflict with them. On this construction, can the conflicts be imagined that may ensue with State laws, and the rights of their citizens? By this construction, Congress may incorporate an East and West India Company, a Fur Company, Manufacturing Companies, and, indeed, may convert the whole population of the District into companies of monopolists, and enable them to engross the most profitable business of the country, to the injury of the equal rights of the citizens of the several States.

This construction renders the municipal power of Congress over the District superior to the municipal power of the States; the laws of one State have no effect in any other but what is accorded, by comity; the laws of Congress go clothed with authority, and ride over State laws and State tribunals.

Is not the construction contended for clearly a surprise on the people of the United States? Is it not evidently contrary to the intention of the compact? The location of the District to the extent authorized, embracing a large and growing population, has produced a state of things not contemplated by the Constitution, and which subjects the exercise of the indefinite power of Congress, over it, to difficulty and embarrassment in every other rule of construction than that which gives effect to the whole instrument. To give that effect, the power of Congress over the District must be restricted to the local purposes of the District. This construction is agreeable to the intention of the Convention who framed it, and of the people who adopted it; it preserves the symmetry

of the Constitution; secures the citizens of the District in the enjoyment of equal privileges with their fellow-citizens of the several States, and secures the States in the independent exercise of their rights. It is no impeachment of the correctness of the rule that non-residents, and even foreigners, may become interested in the banks established within the District; this results from the nature of the subject, and not from the intention of the law establishing the corporation, and is quite a different thing from an act intended for purposes not local, and for the benefit of persons not resident within the District.

It is not only a desirable object, but an imperious duty, to preserve the relative powers of the General and State Governments as originally intended; good faith, the safety of the States, and the harmony of the Union, require this; and this important object will be completely effected by restricting every act that may be passed in relation to the District, exclusively to local purposes.

Mr. Wright, of Maryland, said he rose to defend this bill, which has been objected to as unconstitutional and inexpedient. Upon the first point, I shall not examine the Constitution to prove it Constitutional, but I shall rely on the repeated decisions of that question by every branch of the Government.

Sir, the great question of the right of Congress to grant a charter of incorporation was, shortly after the adoption of the Constitution, decided by the establishment of the National Bank, under the imposing auspices of the immortal Washington, then President of the United States, who presided in the Convention that formed the Constitution.

The Congress that granted that charter was composed of a number of the members of the Convention that framed the Constitution; and did not only give a contemporaneous exposition, but their own construction of the instrument. This construction was not made "sub silentio," but was greatly contested. We are well informed of the pains taken at that time to defeat that charter. And we know that Alexander Hamilton, then Secretary of the Treasury, was the warm advocate of the bank, as necessary to the fiscal concerns of the nation, and we know the conspicuous rank he held in that Convention. We also know, that all the weight and influence of Mr. Jefferson, then Secretary of State, were exerted in vain to defeat it. And that Mr. Madison, not less conspicuous in the Convention than Mr. Hamilton, used all his power to prevent the passage of the law for the establishment of the National Bank. Yet, the archives of our own Government show that Mr. Madison himself, as President of the United States, approved and signed the law establishing the present bank charter of the United States. Sir, in the courts of common law, the decision of the Supreme Court, from which there is no appeal, settles the law, nor will they suffer the question again to be stirred. The importance of this rule is, that those bound to obey the law may know it, and that controverted points of law should be definitively settled, and is happily expressed in the law maxim, "Interest Reipublicæ quod sit finis litium." And can it be, that Congress will not be bound by her own decisions? The Legislature, the Executive, and the Judiciary, have settled the constitutionality of this question; and Mr. Jefferson himself, also, while President, by signing several acts of Congress to protect the old bank from perjury and forgery, has tested its legitimacy. And, although these two distinguished opponents to the bank, upon the ground of the Constitution, have, as Presidents of the United States, thus yielded to this construction, yet we find the honorable Mr. Archer, from Virginia, still contesting the point, which I had hoped was finally settled, also, by the Legislature, the sovereign power of the nation. Sir, is this question never to be settled by this House—the most expensive and unwieldy tribunal of the nation—and are the consciences of the minority of such texture that, upon all occasions involving the constitutionality of granting a charter of incorporation, we are again and again to go the grand rounds of its constitutionality? Are their consciences made of more sensitive materials than those of the judges, who are all bound by the decision of a majority of the court? and correctly, too, or in different districts there would be different laws. Although the judges hold themselves bound by the decision of a majority of themselves, it is said they claim the right of deciding on the constitutionality of a law of Congress, passed by both branches of the Legislature, and subscribed by the President, when every member of both branches, and the President, are bound by oath to observe the Constitution. I ask, would not this be reversing the natural order of the powers of Government, "the Legislative, the Executive, and the Judiciary," and placing the Judiciary above the Legislature, and thus reduce sovereignty to subordination; and peradventure, by the voice of a single judge, impeach the integrity or intelligence of the President and Congress, composed of two hundred and fifty members, the constituted legislative authority? I hope never to witness this event; but, without claiming the spirit of prophecy, should it happen, I have no doubt the application of the Constitutional remedy will prevent its ever happening again. Will the judges pay more respect to the majority of themselves than to the decision of the President, the Senate, and House of Representatives? I hope this view of the case may put the question at rest with this House, as to the constitutionality of a charter of incorporation, and with the judges fix the seal of authority to the acts of Congress. Under that presumption, I shall proceed to the consideration of the expediency of this bill, the granting to this fraternity of naval heroes the right of a corporation, that they may sue and be sued, and thus manage the contemplated funds of this benevolent institution, which is clothed with the sublime attribute of protecting the widows and orphans of those officers who may contribute to its establishment. Their funds must be deposited in the hands of a treasurer, to be disposed of agreeably to the principles of the institution, who ought to be amenable to the law, and the institution secured from the dilapidation of its funds. I will

here remark, that many of the Masonic lodges in this country are incorporated for the purpose of making their treasurer answerable for the funds of the lodge; and in one instance I have known a considerable loss by the improper conduct of a treasurer. And, although this noble institution had Solomon for its founder, and is co-extensive with the universe, embracing the whole human family in its charities, whose divine principles have been recognised by our beloved WASHINGTON, once Grand Master of America, I have no doubt that these gallant sons of Columbia, the pride of their country, the patrons of this philanthropic institution, who ask for the privilege of thus protecting their funds, are moved by motives not less laudable, or principles more congenial with the finer feelings of the human heart. Although the objects of their benevolence are few, they are defined, and of that character that the bounty of this nation, when asked by them, has never been withheld; and can we now be indisposed to grant them this institution? It has my heartfelt approbation that Isaac Hull is contemplated as president of the institution, who, by the noble conquest of the Guerriere, put the first feather in the cap of the Navy, inspired a noble emulation in its officers, and, by their repeated conquests, soon made our Navy the admiration of Europe, and its star-spangled banner respected in every clime. For the consolation of Britannia, now in amity with us, never again I hope to be disturbed, I will suggest, that on both sides our heroes sprung from the same stock; but that the mild latitude of a republic is the clime for patriots and heroes.

Sir, shortly after the glorious war of the Revolution, the officers of the then late army formed themselves into a Fraternal Society, under the denomination of the Cincinnati, for the benevolent purposes now contemplated by our naval officers of the late war. Each officer paid in a month's pay, the annual interest of which was to be applied to the indigent widows and orphans of the fraternity, under their direction; they established annual meetings, to perpetuate that fraternal affection which the awful scenes of the mighty conflict they had sustained, had cemented by their blood, shed in the same cause, and to keep bright the hallowed chain of friendship. It will be recollected that this institution also was opposed, as leading to an order of nobility, particularly by Mr. Edanus Burke, of South Carolina, and others. However, the purity and benevolence of the institution, and the patriotic character of its authors, who had been consecrated by their sufferings, secured its success, and it went into operation, and yet flourishes—whose charities have often gladdened the hearts of the widows and children of those Patriots of the Revolution, who could not be suspected of a design to destroy that charter of liberty they had sealed with their blood. Mr. Speaker, with what pride do we look at the portraits of those patriots who signed the Declaration of Independence, which we have placed as an archive in the Capitol, to eternize their honest fame, and hand it down to posterity—and how much more are they entitled to our gratitude and respect, who achieved it with their swords, and sealed it with their blood! I should rejoice to see their portraits, which now grace the Museum of the venerable patriotic Peale, transferred also to the Capitol, in perpetual memory of their noble deeds—and the few survivors, who are qualified, transferred from the pension list to the civil list. What would not the patriots of England give for the portraits of the nobles that coerced King John to sign Magna Charta at Runnymead? Sir, if we admire the work of Independence, we must admire its authors. Whoever is devoted to the Revolution, must, in the same ratio, be devoted to the patriots and heroes who declared and achieved it—and also to those naval heroes who, in so conspicuous a manner, by their skill and valor, have defended it, and, by their naval conquests, covered the nation with glory. Sir, they are the sons of the fathers of the Revolution, and, I have no doubt, will forever protect this Republic against its foreign and domestic enemies, whose vast and increasing extent secures us against the petty machinations of traitors. The just contempt shown to the members of the Hartford Convention, I am persuaded, has made them hate themselves, and will be a panacea for treason, and detestable in the eyes of all that reflect that the sovereignty is in the people, and traitors enemies to themselves. Sir, I presume every member of this House will support this bill, unless he suspects some danger to the Republic by its adoption. There is nothing covert; they have come forth in the face of the public, and submitted their whole project to us, and asked for what, in every State, in such cases, has been granted; the extent of their benevolence embraces the United States, and requires to be on a scale co-extensive with its limits; and, I should hope that the name of Isaac Hull would secure it from every suspicion, and paralyze every objection to it, and that we will not tarnish the fair fame of the applicants by rejecting this bill. There can be no just grounds to fear any danger to the Republic. For, sure I am, that no man in this Republic, in his sober senses, will ever have the temerity to play the part of Cæsar, while every citizen is sworn to act the part of Brutus.

Mr. REID, of Georgia, said he feared he was unwise to offer his opinions upon the bill at so late an hour, and when the House was so evidently fatigued by the discussion. The views, however, which he was inclined to submit, should be circumscribed, he promised, by more than usual brevity.

The obligations, said Mr. R., to this bill, relate to its constitutionality and to its expediency. It is denied, by gentlemen, that there is any power to create such a corporation delegated to this body by the Constitution of the United States, and a member from New York (Mr. WOOD) has declared, that a grant of exclusive power does not imply universal power. Because we do not possess the last, he seems to infer that we have not the power to pass this bill. To all such doubts and difficulties, I take leave to reply in the language of the Constitution itself, because no answer

can be more conclusive than that afforded by the very clause which is the subject of dispute. The words are these: "The Congress shall have power 'to exercise exclusive legislation, in all cases 'whatsoever, over such District, (not exceeding 'ten miles square,) as may, by cession of partic-'ular States and the acceptance of Congress, be-'come the Seat of Government of the United 'States." Now, if the English language can distinctly convey ideas; if it can express any thing so clearly as to avoid misconception, it has given to Congress, in this portion of the Constitution, a power sufficiently ample to cover and protect the corporation contemplated by the bill. We have power to exercise "exclusive legislation." No State, no earthly authority, has a right to interfere with our legislation for this District. Nor has the Constitution restricted us, according to the construction of gentlemen, to cases confined entirely to the District; because, the objects of our legislation are emphatically declared to be "all cases whatsoever." We possess, then, all the power, as to these ten miles square, which is possessed by a State over its territory, and, perhaps more; because the powers to be exercised by a State are often narrowed by the terms of her constitution, but we derive the most extensive jurisdiction from the 8th section of the Constitution of the United States, already quoted. And yet it is insisted that we have no power to frame this corporation! When applications, similar in their character to the present, have been made to the State Legislatures, I have often heard it urged that they were at variance with good policy, but never, that there was no power, or that it was unconstitutional, to give legal existence to a company whose objects were to prove beneficial to society. Indeed, the States have uniformly acted upon the supposition that they possess this power, and have sometimes, I admit, created corporations greater in number and privileges than have been compatible with the public interests. When a set of men apply for a charter of incorporation, they do not desire an extension of their rights; they only ask to be enabled, by a combination of numbers, to act upon certain objects more efficiently than they could by the exercise of individual strength. The Constitution and laws as much operate upon artificial as upon natural persons, and it is difficult to conceive how it can be unconstitutional to allow an association of individuals for purposes which are legitimate when performed by the individuals themselves. It seems to me, Mr. Speaker, that, when matters of this kind present themselves either to a State Legislature, or to Congress legislating for this District, the only question for consideration is—Will the measure proposed be advantageous or prejudicial to the commuity? In a word it is a question of expediency.

We are told, by a gentleman from Kentucky, (Mr. Hardin,) that the measure in contemplation is a mere evasion of the Constitution, and I understand him to prove this assertion by a reference to the past and to the future. He informs us that, when the bill was first before a committee, of which he was a member, its enactments did not confine the locality of the institution to the District, but that this has been the subject of an after amendment. This amendment, then, does fix the corporation—as far as an ideal personage can be fixed any where—within the District, and thus the objection to the absence of all locality is obviated. How, let me ask, are we to understand that the bill, which, by its amendment, is brought within the pale of the Constitution, is a mere evasion of the Constitution? I submit it to the House to decide, if this conclusion be as just and perfect as those at which the gentleman arrives generally are. Again, it is affirmed that the corporation is national in its object, because its effects will be felt beyond the District of Columbia, and, in this manner, the Constitution will be evaded. It does not seem to me that this proof is more satisfactory than the other. How can you confine the effects of any institution you may create—of any measure you may adopt, to certain metes and bounds? When a State is desired to incorporate a bank, would it prove the unconstitutionality of the contemplated law to show that the emission and unrestrained currency of bank notes will produce an effect upon the money market of a neighboring State or Territory? Such an objection would not be tenable, and if it were, would not your legislation for this District be at an end? You can frame no enactment, of which I can conceive, whose effects will not be felt in the adjoining States, and perhaps to the extremity of the Union. I confess there is nothing which so much recommends this bill to my mind as the belief that it will prove extensively useful; that its kindly effects will be experienced far and wide through this great Republic; that they will feed the hungry and clothe the naked; that they will direct the beam of gladness to the heart shrouded in gloom and sorrow! Yes, sir; they will soothe the labors of the ship-boy who is "rocked by the billow and tossed by the storm;" they will give strength and confidence to the patriotism of the gallant sailor in the hour of danger and dismay! And why should not this institution, although incorporated for this District, be national in its aspect? When we are ushering a blessing into active existence, why should we not encourage it to spread itself every where? Sir, I wish that, in legislating for the District of Columbia, the views of Congress had been always comprehensive. I wish that she had been regarded with a respect and care due to the largest of our States, rather than with a carelessness unmerited by even the smallest of our territories.

A gentleman from New York (Mr. Colden) insists that, if you pass this bill, there is nothing to prevent your incorporating a Fur Company in the Northwest, whose existence in the District would be nominal, and whose business would be transacted elsewhere. I will not deny that if, under the pretence of legislating for the District, you legislate for a State or for the Union, you grossly misapply the authority with which you are vested; but a single glance at the provisions of the bill, will convince the House that there is no analogy between the case imagined and the one before us.

If the name of the "Naval Fraternal Association," like that of the supposed Fur Company, were to belong to the District, while its elections, its business, its officers, its property, were without the District, I should be found in the ranks of its opponents; but when I plainly see that *here* is to be the seat of the corporation; that its property, both real and personal, is to be *here;* that all its functions are to be performed here; that here is to be the reservoir whence all its benefits are to be diffused, I cannot believe that, in giving my vote in its behalf, I am wandering from the path of legislation prescribed by the Constitution.

But you have the same power, it is said, over your magazines, arsenals, and fortifications, that you have over this District; and you are asked if, when called upon to establish a bank within one of your fortresses, you would not reply that you had no Constitutional power to do any such thing? It is quite true, that the same section of the Constitution which gives you jurisdiction of this District, empowers you "to exercise like authority 'over all places purchased, by the consent of the 'Legislature of the State in which the same shall 'be, for the erection of forts, magazines, arsenals, 'dockyards, and other needful buildings." But I deny that you would properly reply to the application to institute a bank in one of your dockyards, or arsenals, or fortifications, that you were prevented by a Constitutional impotence. No; you would assert your right and power under the Constitution to be perfect; but you would say that the application was unreasonable and absurd; that to grant it would be worse than useless, because it would expose you to ridicule and derision.

The gentleman from Virginia, who has this morning favored the House with his views in opposition to the bill, (Mr. ARCHER,) asserts, if I understood him correctly, that you cannot legislate unless the corporation be located within the District; and he proposes to consider residence as the test of its location. Now, Mr. Speaker, unluckily, this test can never be applied, because, from the very nature of a corporation, it can have no residence. A person, such as God hath made him, may live and breathe, and occupy a habitation in some particular place; but the being created by legislation exists in legal contemplation only. If you sue a corporation, the process cannot be served personally, or left at the place of residence, because there is no person upon whom it can be served, and consequently no habitation at which it may be left. It is well known that the summons must go to the head officer of the institution. But if the test is to be applied to the individual corporation, it is equally inadmissible, because it would be destructive of every corporation within the Union. There is not one, I will venture to assert, all the members of which reside within the limits of the State or Territory whose law has given it birth. According to this doctrine, the charters of your banks, of your colleges, of your charitable institutions, are void.

We are assured that it is not the province of the respectable gentlemen who apply for this privilege, to provide for the necessities of the families of those who have died in the service of the country; that this holy work belongs to Congress and to the State Legislatures; that national munificence, as well as State liberality, will, in time, be active in affording relief to those hapless beings who have not inherited the comforts of wealth, but the consolations of good name and glory. If the prospect were as flattering as it is believed to be, it would still be a harsh refusal of the present application to answer it in this way. If the officers of the Navy, with a liberality and warm-heartedness which do them honor, desire to bestow their mite upon the wants of the widows and orphans of their departed brethren, why should you not afford facilities to their generous intentions, although the treasures of India had been collected for such a purpose? But, really, I know of no reason which should induce us to believe that the State or General Governments will provide a fund sufficiently great to alleviate individual distresses. It is a mockery, then, to refuse a passage to this bill, while you point to expected benefits, which are the mere creations of deluding hope.

Wishing, as I do, the incorporation of this association, and to scatter its advantages as diffusedly as possible, I regret that an amendment offered yesterday by the gentleman from South Carolina (Mr. MITCHELL) obtained the sanction of the House. By it, the corporation is allowed to sue and be sued in "courts of competent jurisdiction." There is a looseness in this phraseology which may lead to error and difficulty. The language of legislation should, if possible, be so precise, as that the judge, who is to expound and execute the law, cannot escape from its true intent and meaning. If once he is permitted to apply his own constructions, there is danger that he will not only pronounce, but impose the law. What are courts of "competent jurisdiction?" is the question which you leave to be unriddled by the bench. Are they courts of the United States, generally, or courts of this District? I shall be told that the provision evidently means the last, because we have no power to give jurisdiction to the former. If this be true, I regret it, as well because I am sure the corporation will be cramped by a provision unnecessarily restrictive, as because I do not perceive that the Constitution would confine the institution, in the legal prosecution or defence of its rights, to the courts of the District. If, as I think has been shown, you may create a corporation; you may give by your laws to the courts of the United States jurisdiction in cases where that corporation is a party: for these tribunals have cognizance of all cases, both in law and in equity, arising under the Constitution, laws, or treaties—and if it be competent for you, and I think it has been so decided by the Supreme Court, to give to the citizens of a Territory the right to sue, and the capacity to be sued, in like manner as if they were citizens of a State; if you may exercise such legislation over natural persons, I do not see why you may not extend it to persons of your own creation. It may be added that, to extend the remedy, either for or against them, to the circuit courts, does not actually enlarge the power of the corporation.

Suits may be commenced by the several members in their individual names, as matters now are; but, by restoring the original clause of the bill, you afford a convenience, and nothing more. I make these suggestions, sir, under the hope that the chairman of the Naval Committee will, if he shall think them worthy of his attention, make an effort to amend the bill in this particular.

A fear has been expressed that the Association will receive, under your law, an authority liable to be abused. Now, what, once more let me ask, is the object of the corporation? Charity---pure charity! And is there indeed danger that, instead of distributing alms, the members of this society will plot the destruction of your liberty? that they who have fought for your Constitution and your rights will compass the ruin of both? Who does not see that such "horrible imaginings" can never assume the shape of fearful reality? that the bill under consideration does not offer the slightest stimulus to ambition or pretext to usurpation? But we may reasonably presume that the time will come when the laudable benevolence of this society may be interrupted or perverted in its course; that some man or set of men may use it for unworthy purposes. And what then? Is this a reason why you should not promote this benignant design? If it be, it is precisely equal with that argument which should condemn our sacred religion, because its doctrines have been misquoted and misdirected by bigots and fanatics.

I know that the supposed impropriety of creating any corporation, will influence the votes of many honorable gentlemen against the bill; and it is very probable, that if this were to be the *first* corporation, I should not be its advocate. It is questionable if such associations be altogether congruous with republican principles. That they are sometimes influenced by malignity, ignorance, prejudice, and partiality, to the injury of individual repose, and to the inconvenience of the community, is certain. But, gentlemen know we have heretofore given existence to corporations, both literary and moneyed, and that these last have sprung up within this District, under your influence, with the ripeness of plants bursting from a hot bed. And will you pause in this policy at a moment when you are urged onward by an animating and interesting benevolence? No, sir. If you must frown upon such charters, let it not be on this, which merits only your smiles. Let the strength of your displeasure be reserved for some great and wealthy institution, when it shall ask a renewal of its powers and privileges.

The House is warned against the measure, because it is believed to be the first of a long series, and gentlemen prophesy that the incorporation of officers of the Navy will be followed by that of the officers of the Army. Be it so. Whenever the officers of the Army shall pray Congress to enable them to frame a society, kindred in its object and motives with this, I hope the permission will be promptly accorded. It seems to me that we should evince a distrust inapplicable to them, and unjust in ourselves, to refuse it. I do not believe that there is a feeling of hostility to our republican institution either in the Army or Navy. I know that the *esprit du corps* exists in both; but that it is also to be found in the House of Representatives, and in the Senate, and everywhere, among bodies or assemblages of men, to whom there is identity of feelings and pursuits. I would not excite this spirit by legislative pampering, or foster it by unnecessary enactments; but, where the purpose is to direct it, through proper channels, to the welfare of mankind, to direct it, if you please, from the dreams of mad ambition to peace and good will, I would throng your archives with statutes of incorporation.

I hope, sir, the bill will pass. The boon is slender, and the request commended to your attention by a modesty characteristic of the officers of the Navy. If there be any one thing more than another, in the character of our naval heroes, which extorts admiration, it is a gentleness and simplicity, which is only equalled by skill in their profession and invincibility in war.

Mr. Colden spoke against the bill.

On motion of Mr. McLane, who wished the opportunity of replying to Mr. Archer when the House should be less fatigued than now, the bill was laid on the table until to-morrow.

Wednesday, January 8.

A new member, to wit: from Maryland, Isaac McKim, elected to supply the vacancy occasioned by the resignation of Samuel Smith, appeared, was qualified, and took his seat.

Mr. Williams, from the Committee of Claims, reported a bill for the relief of Daniel Carroll, of Duddington, and others; which was read, and committed to a Committee of the Whole.

Mr. Williams, also, from the same committee, to which was referred the bill from the Senate, entitled "An act for the relief of John Byers," reported the same without amendment, and the bill was committed to a Committee of the Whole.

Mr. Cook, from the Committee on the Public Lands, to which was recommitted the engrossed bill to confirm certain claims to lots in the village of Peoria, in the State of Illinois, reported the same with an amendment; which was concurred in by the House, and the bill ordered to be engrossed, and read a third time to-morrow.

Mr. Hernandez presented a memorial of sundry inhabitants of St. Augustine, in East Florida, praying that the Floridas may be formed into two distinct Territorial governments; that a separate board of commissioners may be appointed to ascertain titles and claims to land in the eastern section of said Territory; that the expenses attending the exhibition of proof of title to lands may be defrayed out of the Public Treasury; that settlements may be allowed on the public lands, with permission to the settlers, subsequently, to purchase their improvements at the minimum price established for said lands; that the aid of Congress may be extended, in the opening and repairing of roads, and the erection of bridges in said Territory; that lighthouses and buoys may be erected and

placed at certain points, designated in said memorial; that adequate measures may be adopted to insure the tranquillity and security of the Territory against the aggressions of the Seminole Indians; that measures may be adopted for settling the claims to land derived from grants from the British Government, commonly called British grants; that the members of the Legislative Council may hereafter be elected by the people; that the operation of an act, passed by the said council, for the levying and collection of taxes, which the memorialists complain of as oppressive and unjust, may be suspended by act of Congress. The memorialists further complain against another act of the said council, whereby common soldiers of the Army of the United States, quartered in said Territory, are permitted to vote in the election of a delegate to Congress, and praying for a correction of the evil. And further, that the judicial system of said Territory may be so altered as to be better suited to the genius and condition, and the present political situation of its inhabitants; which memorial was read; and its subjects referred to the proper committees.

On motion of Mr. BAYLIES, the Committee on the Post Office and Post Roads were instructed to consider the expediency of authorizing by law the transportation of the eastern mail of the United States in steamboats from the city of New York, to Providence, in the State of Rhode Island, or to some town situated on Taunton river, in the State of Massachusetts, during the whole, or during a part of the year.

On motion of Mr. McCOY, the Committee on the Judiciary were instructed to inquire whether any, and, if any, what, measures are necessary to protect and secure the Government, in the several departments, from impositions by the exhibit of fraudulent claims.

On motion of Mr. JOHNSTON, of Louisiana, the Committee on the Public Lands were instructed to inquire into the expediency of authorizing the Secretary of the Treasury to locate, in sections, the quantity of one township in the district south of Red river; and the quantity of one township in the district north of Red river; and the quantity of one township in the State of Louisiana, appropriated to the support of seminaries of learning, by the seventh section of "An act providing for the final adjustment of claims to land, and for the sale of public lands in the territories of Orleans and Louisiana," approved 3d of March, 1811.

On motion of Mr. JOHNSTON, of Louisiana, the Committee of Commerce were instructed to inquire into the expediency of establishing a lighthouse on the eastern coast of Florida, at Cape Carnaverill, or at some suitable point between that cape and the lighthouse to be erected at Key Largo.

On motion of Mr. RANKIN, the Committee on the Public Lands were instructed to inquire into the expediency of changing the mode of surveying the public lands on the river Mississippi, and adopting that formerly used by the Spanish Government.

On motion of Mr. MORGAN, the Committee on Naval Affairs were instructed to inquire into the expediency of allowing to the widowed mother of James Denny, late a gunner in the service of the United States, who was killed in the boat with Lieutenant Allen, the sum of one hundred and twenty dollars a year, for five years.

On motion of Mr. HAMILTON, the Committee on the Judiciary were instructed to inquire into the expediency of altering the times of holding the circuit court within the sixth circuit of South Carolina district; also, as to the propriety of extending the provisions of an act of Congress, approved the 2d of March, 1809, entitled "An act to amend the judicial system of the United States." to meet the exigency arising out of the death of a district judge, as well as that which results from his occasional disability.

On motion of Mr. JENNINGS, the Committee on the Public Lands were instructed to inquire into the expediency of reserving from sale a portion of the public lands through which a canal may be constructed to unite the navigable waters of the river Wabash, and the Miami of Lake Erie, and to grant a portion of such lands for the purpose of constructing such canal.

Mr. INGHAM submitted the following resolution, which was read, and laid on the table one day:

Resolved, That the Secretary of the Treasury be directed to report to this House a statement of the custom-house bonds outstanding on the 1st of December, 1822, and falling due within the year 1823, with the amount of debentures chargeable upon the same, and the probable expense of collection.

Also, A statement of the amount of the bonds outstanding on the 1st of January, 1821, and at the commencement of each quarter during that year, with the debentures chargeable upon the same at the respective periods.

Also, The amount of revenue from customs which will probably accrue in the year 1823, and the portion thereof which will probably be received in the course of that year; stating the average amount which has been received on the customs accrued within each year, since 1816, inclusive.

Also, A statement of the whole amount of the unexpended balances of the sinking fund, distinguishing each year since 1817; and on what principle he distinguishes the balances that will accrue against that fund, in 1823 and 1824, from those of preceding years, by which he proposes in his annual report of the 22d of December, 1822, to charge the estimated unexpended balances of 1823 and 1824, upon the revenues of 1825.

The House took up, and proceeded to consider, the engrossed bill entitled "An act for the appointment of an additional judge for the Michigan Territory, and for other purposes;" and the bill having been read the third time, the question was taken, Shall it pass? and passed in the affirmative.

NAVAL FRATERNAL ASSOCIATION.

The House then proceeded to the consideration of the unfinished business of yesterday, the bill "to incorporate the Naval Fraternal Association."

Mr. McLANE, of Delaware, said, that, having

already submitted his views, generally, upon the subject before the House, he would not have intruded again upon their time, if he had not been so particularly alluded to, in the course of their remarks, by his friend from Virginia (Mr. Archer) and the two gentlemen from New York (Mr. Colden and Mr. Wood.)

Notwithstanding the debate had arisen very unexpectedly, he believed to all, and certainly to him, he was not surprised at the range it had taken, and the zeal with which it had been conducted. When he heard the prejudices in behalf of State rights, and the jealousy of Constitutional power invoked by the opposition, he was aware that numerous spirits would come forth, and he knew as well, that his friend from Virginia, who stood the Ajax Telamon of the band who watched so carefully the movements of the General Government, could not be insensible to the charm. He would not detain the House in attempting an answer, in detail, to each objection which had been urged against the power of Congress to incorporate this association. If he understood them correctly, they might be reduced substantially to two points: 1. That the powers of Congress within the District of Columbia were not municipal or universal, but merely exclusive of other legislation; 2. That the objects of the association were the true test of our power, and that, as in this case, these were exterior to, and to extend beyond the limits of the District—we have no power to grant the corporation.

Mr. McLane said, his object would be to show that the positions were unfounded. He entered into a discussion of the powers of the Government, generally, and of Congress over the District of Columbia. He contended, that the terms exclusive legislation, as used in the Constitution, imported full sovereignty, and vested in Congress the same supremacy, within the District, as could be exercised by any sovereign Power, within its acknowledged territory.

He proceeded to say, that all the powers of the General Government, within their sphere, were necessarily exclusive of other legislation, because they were supreme. He asserted the general distinction to be, that, without the district, the powers of Congress were limited as to their objects, and unlimited as to territory; but that, within it, they were circumscribed as to territory, and unlimited as to their objects; but that, in both cases, they were supreme, and exclusive of all other legislative interference. Congress, he said, had power to raise armies; to provide and maintain a navy; to regulate commerce with foreign nations, and among the several States; to coin money, and to lay and collect taxes, imposts, and excises, which might be exercised in any, or all of the States of the Union, exclusive of the control of either. In the exercise of these powers, the laws of Congress bore a supreme sway, and rode over all conflicting authority; and if, as a means to carry them into execution, it should become necessary to create a corporation, it might be created with authority to exercise its functions in any part of the United States. These, he admitted, were all national objects, and left the State authorities in the full possession of their municipal power, within their respective limits.

But, within the District of Columbia, the same supreme power of Congress prevailed, and embracing a greater diversity of objects. Here it encountered no other power whatever. Here, all State authority had ceased to exist—it had passed to the General Government, whose power might be exerted to the entire exclusion of any other, and embrace as well municipal as national objects.

The terms exclusive legislation, could not presuppose the existence of another power, whose entire extinction was the very object of the cession of the District to Congress, but must have intended to vest in Congress the same power which had been exercised previous to the cession of the States ceding it—to add to its general objects those of a municipal character. It was absolutely necessary, he said, that such power should exist somewhere; and, if it did not belong to Congress, he asked gentlemen to tell him where it was to be found. Could it be pretended that the authority of Virginia and Maryland had any operation in the District for any purpose whatever? No; it had entirely disappeared.

He said, he could not conceal his surprise that a principle so clear had been seriously contested; but, as it had become necessary to discuss it, he begged leave to refer to the text book of the Constitution; and he invited the attention of gentlemen to a number of the "Federalist," in which the nature of this power of Congress over the district had been adverted to. It was understood to be the production of the late President of the United States, whose regard for State rights, it would be admitted, was not inferior to his accurate conception of the true spirit of the Federal Constitution. "The indispensable necessity," says Mr. Madison, "of complete authority at the Seat of 'Government, carries its own evidence with it. It 'is a power exercised by every Legislature of the 'Union, I might say of the world, by virtue of its 'general supremacy.

Mr. McLane then proceeded to show the exercise of municipal powers by Congress, over all objects, in virtue of this general supremacy. He instanced the application of private property to public purposes; the regulation of private property generally, the definition of offences, and the creation of punishments. If, in virtue of this general supremacy, said he, you can exert one or more of these municipal objects, you may, for the same reason, embrace the whole family of municipal powers. And, if you can do this; if you can make rules without limit, which concern the lives, liberties, and property of the people; if you rule supreme, and without control; can you not create a corporation, which is little more than prescribing a rule, by which a number of individuals may manage their common property, by their own consent?

Gentlemen appeared to consider, that, in creating a corporation, we were originating an association of individuals for some tremendous purpose, who, under color of our authority, were to assert un-

limited privileges in every part of the Union. Instead of which, finding a number of men associated, to raise a fund for a particular purpose, we give them individuality merely, and authorize them to do certain acts within this District, for the more easy attainment of their object. We do not presume to bring them into conflict with any State authority whatever. We give them the power to exist and act as a corporation here, and we leave to the discretion and courtesy of other powers to treat them as they do all other corporate bodies deriving their being from a local authority.

If we cannot create such a corporation as this, how have we created our Territorial governments, which are corporations of the highest grade, themselves exercising municipal powers, and possessing an authority to create other corporations within their respective limits? No one doubts, said he, that it would be competent for Congress to establish a local Legislature within this District, and for himself he regretted it had not been done. Such a Legislature, he contended, exercising an authority similar to that possessed by the respective State Legislatures of the Union, could create such a corporation as is now applied for; and how, therefore, can it be argued that we, who can create the Legislature, are incompetent to create the corporation? In short, said he, I know no limit to the powers of Congress, over this District, other than are necessarily prescribed by the principles of the Government, and I believe none can be shown. It is an absolute, though a local supremacy, and the mere statement of the proposition furnishes a complete answer to the fears of the gentleman from Virginia and from New York.

Where, he asked, was the danger which had been apprehended from such power? It is easy to deal in frightful terms, and dress an object in terrors, which in reality should be as harmless as the dove. One gentleman had said we were planting a lever in this District which might sway the Union! But, said he, there are twenty-four levers of a similar kind in constant operation. All the States of the Confederacy are in the daily exercise of the same power, and are perpetually granting acts of incorporation, and yet the Union has never been moved from its centre! The authority of no one State comes into conflict with another; each exerts its own machinery within its own limits, without even producing a jar in that of its neighbor, or in any manner disturbing the harmony of the whole; so that, in fact, that which is affected to be most dreaded, is the greatest beauty of our whole system. But the same power which is so harmlessly and beneficially exercised by New York, or Virginia, when exerted by the General Government over its own District, is denounced as full of peril to the Republic! The fears of gentlemen are immediately aroused, and they appear to be alarmed at the size of the object by whom the power is wielded. It has been denominated a monster, that is to sweep away our liberties! a giant that will devour us! But gentlemen do not recollect that the giant is confined within a narrow space, whose limits are accurately defined and securely guarded. He is a giant mildly presiding over his own narrow municipality, and quietly managing his domestic concerns. He resembles much more an Hercules playing with the distaff, than waging war against the Nemæan lion. Sir, said Mr. McLANE, it is not by the operations of the General Government, within the circumscribed limits of the District of Columbia, that State rights are to be subverted or invaded. The danger is to be apprehended, if at all, when we come to raise and discipline armies, to levy war with foreign nations, and to graduate the scale of State authority. It is when the giant puts on his complete armor, and, drawing to himself the whole train of Executive, Legislative, and Judicial powers, express and implied, strides abroad, and stretches his arms over the States of the Union, that his step requires to be watched, and in such a case, said he, I will place myself by the side of my friend from Virginia, and assist him in preserving the inviolability of State jurisdiction.

By what he had already said, Mr. McLANE assumed it as proved, that Congress had the power to create a corporation within this District, for all purposes whatsoever, provided its functions were to be performed there. The gentleman from Virginia (Mr. ARCHER) had conceded, and, if he had not, it could be easily shown that the residence of the members of the incorporation was immaterial, and furnished no test of its locality. He agreed with that gentleman, and with others that had spoken, that the true test of locality depended upon the place in which its corporate functions were to be exercised, though to him it was apparent, that the gentleman had confounded the objects of the association with the functions of the corporation; and because the former might extend beyond the District, he argued that the corporation had no locality within it. The whole argument of the gentleman from Virginia rested upon this foundation, and, unless he could reconcile two things essentially dissimilar, it would entirely fail him. The gentleman had obviously mistaken the fruits resulting from its exercise for the function itself, and in this consisted the fallacy of the argument. A function, said Mr. McLANE, is the power or faculty by which either a material or artificial person discharges its duties. The functions of a corporation are the powers conferred upon it by the charter, and which it exercises in virtue of its corporate capacity. This corporation is the artificial person of our creation, and the powers with which we endow it, and those only, constitute its being, and can be properly called its functions. The creation of these functions involves our power, but the consequence flowing from their exercise are matters of expediency merely. If the locality of this corporation should be tested by these distinctions, our power is susceptible of the clearest demonstration.

When I first submitted my views upon this bill, said Mr. McL., I mentioned the power to have perpetual succession as the principal function, being, in truth, the very end of the incorpo-

ration. That all the powers of this function were to be exercised within the District, could not be denied. All the elections were to take place here; here they were to designate the objects of their fund; here, in effect, they were to dispense their charity. If the payments were to be made to the objects of their charity, in person here, he presumed the doubts of the most sceptical would be removed; and he could perceive no difference between the order for payment, and the payment in fact; or between the receipt of the money in person, or by power of attorney. But the gentleman from New York, (Mr. Colden,) feeling the force of the argument, had said that the power of perpetual succession was no function, but a "quality." As the gentleman had not obliged us with his idea of the distinction between a quality and a function, as applied to a corporate body, he would not differ about words, but would appeal to the gentleman's legal knowledge upon this subject. He could not avoid reminding the House, however, that, while the gentleman denied the power of perpetual succession to be a function, he zealously contended, that the meeting of the officers was a most essential one! for which Mr. McL. could discover no other reason than that it enabled the gentleman very gravely to argue, that, as the bill merely directed the meetings to be holden "at the Seat of Government," they were not necessarily confined *to the District of Columbia!*

Mr. McL. here, passing over some observations which he had intended to make in reply to the gentleman from New York, (Mr. Colden,) if he had been in his seat, proceeded to enumerate and animadvert upon the other functions of a corporation, which he said consisted in the power to sue or be sued; to grant or receive by its corporate name; and do all other acts that natural persons may; to purchase lands for the benefit of themselves and their successors; to have a common seal through which to speak and act, and manifest its intentions; and to make by-laws for its government, provided they were not contrary to its charter or the laws of the land. The performance of each of these functions, he repeated, was confined, by the bill, to the District of Columbia; and the gentleman from New York (Mr. Colden) was once more unhappy in attributing to the by-laws the power of changing the place of the elections, as he was also superficial, in seriously asserting the impracticability of a man in New York voting at an election in Washington, overlooking entirely the use of the *proxy*, with which, if he had not been previously familiar, he had been reminded in the debate.

If, therefore, said Mr. McL., all the legal functions of this corporation are to be performed within, how can it be unconstitutional, if some of the objects who are to derive aid from its benevolence, but are not members of the body, reside without the District? If the residence of the corporators be no test of locality, can that of the objects, who had no concern but in its charity, be more so? Is it not clear that, to pronounce the function illegitimate, the gentleman is obliged to follow the consequence of its exercise? You find a number of your citizens associated together, to raise a fund for charitable purposes—to relieve the necessities of the widow and orphan of those who may die in your service; and in order to facilitate the management of this fund, you endow the contributors with certain corporate functions, and authorize their performance in this District. They are performed here, and the benefits of this performance are shared by citizens of other States; but can this render their performance unlawful? It is obvious you do not mean to empower these corporators to do any thing beyond these limits in opposition to the laws of any State, that they could not have done without your interference. You mean to say that their powers shall be exerted here, and their objects may flow wheresoever they may be unobstructed by any higher authority. I admit, that before you confer the powers, it is your duty to be satisfied of the expediency and beneficial tendency of their exercise; but, being satisfied of these, I concur in opinion with the eloquent gentleman from Georgia, (Mr. Reid,) that the more the benefits were to be diffused, the more urgent would be the propriety of granting the powers. Suppose it to contemplate objects of charity in another State, it does so in the same manner as any individual would, who designed to apply his private purse for a similar purpose. It is in the nature of every association, for general or public purposes, to spread its influence over an extent proportionate to its objects; and it is with corporate bodies as with natural persons, that their operations will be felt as far as their ordinary intercourse and relations in business may be extended. If the powers of Congress should depend upon circumscribing these effects or objects, within this District, they would be too impotent to be practically executed. Such a principle would prevent an individual from dispensing charity to objects beyond the District, and the law which should protect his industry, by which he acquired the fund for this purpose, would be void. You could not incorporate a trading company, because the effects of a wise and prudent exercise of its corporate functions here, might beget relations and enrich objects in other parts of the Union. The doctrine, he said, was at variance with every principle of sound reason, and the whole practice of the Government.

In the exercise of your municipal power, you incorporate a bank, with a large amount of capital, and locate it within the District; but do you mean to say, that it will or can have no object exterior to the District? Do you not mean to recommend the circulation of its paper to every part of the community where it can be received? Do you intend that it shall create no debts, and establish no relations in business elsewhere? No, for this would be utterly vain. You mean, though, to give it a legal existence here, and you leave its influence elsewhere to the operations of the laws and interests of society. A part or the whole of the stock of your bank may be owned by the citizens of other States; its operations controlled by their management, and the profits paid and re-

ceived wherever the owner may be; and would the charter, for that reason, be unconstitutional? The gentleman from Virginia, (Mr. ARCHER) has attempted to distinguish this from the case before the House, by alleging that, in the case of the bank, the objects exterior to the District are merely collateral, or incidental, and, therefore, could not be foreseen. But this is evidently a distinction without a difference. The objects enumerated are certainly "incidental," but they are necessarily so, and flow naturally from every banking operation. Besides, sir, you are bound to foresee the most natural consequences of your laws, and you act under a blind policy if you do not. And, sir, said Mr. McL., if you fail to foresee consequences, which are thus naturally incident to your measures, would your want of common foresight legalize that which would be otherwise unconstitutional? If there were any force in this argument, a non-resident of the District could not purchase any stock in one of your banks; and, if he did, his purchase would be void, or the charter be violated.

Again, sir, you desire to clear the navigation of the river which flows through this District; or to unite some distant stream with its waters, and, as necessary to this, you cut a canal through a part of your limits. The proposed object is to bring the trade of a remote part of the country to your city, and as much for the advantage of those at a distance, who are to bring their merchandise hither, as for your own merchants here, you foresee, and, foreseeing, design avowedly to promote the exterior object. Will any gentleman deny your power to incorporate a company to do this? And may not those who live remote from the District, and who reap the benefit of the improvement, become members of the incorporation? You also authorize money to be raised by a lottery, and grant an act of incorporation, if it be necessary, to accomplish it; if you cannot force the sale of your tickets in the several States, do you not design to invite their citizens to come here and buy; and may they not do so, and receive the prizes, if they be fortunate?

But, said Mr. McL., at the same time that the gentleman from Virginia argued upon this distinction, his accustomed candor and intelligence led him to admit, that Congress possesses the same power to create a corporation within this District, as is possessed by any State of the Union, within its limits; and this appeared to him to be a surrender of the whole argument. Let me ask, sir, said he, if a State Legislature cannot incorporate a charitable association? Can it not incorporate this one? Certainly it may. One gentleman, from New York, (Mr. COLDEN,) had referred these applicants to the States, and appeared ambitious to acquire for the State he in part represents here, the honor of granting that which he now withholds. And what greater power has New York to dispense with locality than we? But, sir, does any one imagine that, if that munificent State were now granting this charter, she would deem it necessary to inquire if all the objects of its charity resided within her territory, or consider it in any degree essential to provide that its favors should not extend beyond it?

Mr. McL. said, he could not dismiss this part of the subject, without adverting to the law incorporating the Columbian College within this District, and in which, it might not be improper to observe, though it was not at all material, that not a single member of the corporation was at the time a resident therein. He referred to the case of the college as an instance illustrative at once of the nature of our power, and the discrimination between the exercise of the corporate functions and the fruits of their exercise. In that case, it was deemed sufficient that the college should be located, and its powers performed here; but it was clearly foreseen that most of its objects must be necessarily exterior, and that all might be so. No one was weak enough to imagine, that only the youth of this District would be educated in this Seminary. It was the offspring of a more liberal and enlightened policy. The object avowed by its founders, and which prevailed with Congress, was to bring hither the youths of every part of our country, to plant in their minds the seeds of future distinction; to instruct them in the principles of science and the history of their Government; to return them again to the bosom of their respective States, to spread the influence of their example, and become the ornaments of the nation and the expounders of its rights. You confined the means of acquiring these accomplishments here, but you designed that their fruits should be widely disseminated.

And where is the difference, in fact, between that institution and the one you are now asked to incorporate? You bring, said he, to your college incorporation, the youth from a distant quarter, and fill his mind with knowledge and virtue; and to the Naval Association you invite the widow and orphan of the man who has fallen in the battles of his country, and supply them with food and raiment; you give them a husband and a father. You open here two fountains—one of learning, and the other of charity—and may not those who require either come and be refreshed at their streams? If you open here the springs of science, may you not provide the means by which the fatherless orphan may go and buy their waters? To drop the figure, if you can incorporate a college, at which the youth of any part of the Union may be educated, that youth may be the son of a man who has died in your defence, and may you not incorporate a company to supply him with the means of paying for his education?

Mr. McL. then proceeded to notice some of the objections which had been urged against the bill, as it respected its influence upon the discipline of the Navy. He thought all the fears of gentlemen on this score were groundless, and he had already shown that the force of the by-laws could never counteract the higher obligation to the laws of the service. The first duty of a soldier, said he, is to his country, and you cherish his obedience to this, when you associate with it his pride and all the finer feelings of the man. If you make it contribute to the protection of the dearest objects

of his affections, you secure it his devotion in life, and you blunt the last agony of his dying moments.

Sir, said Mr. McL., if you possess the power and the object be so laudable, you are bound by considerations the most sacred to grant this charter: you cannot with any propriety refuse it, much less can you refer these officers elsewhere. To whom else should they apply? To which of all the States are they to go? That which is not within the peculiar province of any one, is generally neglected by all. These officers, moreover, being exclusively in the employment of the United States, are, to most purposes, disconnected with the State authorities, and it might be a matter of delicacy for a State Legislature to interfere with *your* concerns. They must, therefore, come to you, of whose jurisdiction they are the peculiar objects. They belong exclusively to your service; they brave the battle and the storm for you; they are the means by which you give protection to the country; they devote their time and labor for you, and it is the scanty savings from that labor which they design to have protected for the most benevolent purposes. They bear the proud insignia of your power; they carry your eagles in triumph over the main; they sustain your banner in every sea, and spill their blood in your defence; and if you refuse them this favor, on whom else have they claims of equal obligation?

And why, sir, will you not grant a boon so humble to you, but so consolatory to them? They do not solicit you to create an institution by which they are to grow rich and powerful; they reap, personally, no emolument from the association. You are not establishing a moneyed incorporation to increase the swollen circulation of bank paper; you have done all this before; but you are raising up the Goddess of Charity, who is to diffuse her beneficence over all parts of your empire. It is a perversion of terms for gentlemen to call it a terrible engine, that is to sweep away our liberties, and carry desolation in its train! No, sir; it is a mild and charitable spirit, which springs up after the genius of desolation has spread its havoc far and wide, and clears away its ravages; it comes to heal the broken heart, and administer comfort to those who are the real sufferers by war and pestilence. The warrior who lies cold on the deck of your ship, or buried in the wave of the ocean, feels no longer the pang of separation; his brave soul has been poured out in his country's cause, or offered upon the altar of her service, and is insensible to the fame which follows his actions, or the misery produced by his death. The real calamities of war fall upon the survivors; on those who live to mourn his fall, and struggle with the anguish of wretched poverty and desolated affections; the widowed mother and her numerous offspring, whom, in the midst of penury and want, the eye of a cold world can never reach; and it is these to whom the charity of this association is to administer consolation. It proposes to snatch the orphan of your deceased officer from the abode of want and misery, and furnish him with the means of support; to train him up in the paths of honor and virtue, and teach him to deserve and emulate the fame of his sire. Sir, said Mr. MCLANE, I had rather be the means, by my vote on this bill, of contributing to the attainment of such objects, than the author of all the banks Congress has ever incorporated.

When Mr. Mc L. had concluded—

Mr. WILLIAMS, of North Carolina, spoke against the bill.

Mr. FORWARD, also, against it.

Mr. RUGGLES, after a few remarks, offered the following additional section as an amendment:

"*And be it further enacted*, That this act shall not be construed to have any further force, authority, or effect, out of the District of Columbia, than acts of incorporation granted by the Legislature of any one of the United States ought to have in any other of the United States."

The amendment was agreed to—58 to 53.

Mr. WOOD then spoke against it.

Mr. HEMPHILL, of Pennsylvania, said, he was in favor of the bill; as to its laudable object it was not worth while to say any thing; there appeared to be a concurrence of sentiment and feeling upon it. The bill was principally opposed on Constitutional grounds. Some, it was true, entertained doubts as to its expediency. If he understood the objection, it was, that the beneficial effects of the bill would be exterior to the District. The officers, it was said, did not reside in the District; but he believed that it was not denied that a due proportion lived within its limits. A legislative body should always have an eye to the interest of those for whom it was legislating,

Objects entirely exterior and unconnected with any interest, would not fall within the ordinary scope of legislation; while objects solely interior, would be the peculiar subject of legislation. But there were mixed cases, where the benefits of the law would be partly exterior and partly interior. In such cases, how can you draw any Constitutional line? In relation to these cases, it never can be a question of Constitutional power, but a mere question of expediency. The legislative body will decide, whether the interest to its constituents is sufficient to lay the foundation of a law.

Banks in the District are of this description: their benefits may extend beyond its limits; the stockholders, who are entitled to the dividends, may reside any where in the Union. The Columbian College is of a similar character; the youths who receive their education at this institution, may come from any part of the United States. In all such cases there can be no Constitutional line; it must be discretionary. If a law should be passed on an object which was too remote, it would be no more than bad legislation.

One thing ought to be conceded, and that is, that the power of Congress over this District is equal to that of a State Legislative body within its jurisdiction. Congress has within this District the right of exclusive legislation: Nothing could be more ample or supreme. Legislative bodies will look even beyond the limits of their own States. The Legislature both of Pennsylvania

and Maryland, created incorporations to make a canal from the Chesapeake to the Delaware. It would be perfectly immaterial, who subscribed for the stock, or where they lived; the functions of the corporations, it is true, must be performed in the respective States, as a State could not create a corporative body out of its own jurisdiction. If the canal, I have alluded to, had been perfected, its benefits would not have been confined to the States of Pennsylvania and Maryland; the United States, particularly, in a time of war, would have received incalculable advantages from it.

Could not a State pass such a bill as the one on the table? Every State has its interest in the Navy; and it would be discretionary whether it would allow of such a corporation within its jurisdiction. A local legislative body in this District would have a similar power; and could not such a legislative body follow the examples of Pennsylvania and Maryland, and incorporate a company to improve the navigation of the Potomac? and would it be material where the stockholders lived, or what the advantages would be to sections of the Union beyond the limits of the District? What more persuasive argument could be urged, in favor of the law, than that it would not only be beneficial to the District, but to the Union at large? If a law is to be considered unconstitutional, because its advantages spread beyond the limits of the District, there could be neither a road or a canal constructed in this place. The roads here are convenient and necessary for the National Legislature.

As to State rights, I am as friendly to them, as a citizen of the Union ought to be. We must consider that we are citizens of the United States, as well as citizens of the particular State to which we belong; and that it is as much our duty to protect the rights of the General Government, as it is to protect the rights of the States. There is, however, a peculiar incident in this case, that has not been observed, and that is, that the friends of the bill are, on this occasion, the supporters of State rights.

It has been remarked, that the location of the corporation will not be in this District, as its functionaries will principally reside out of the District. On this head, it is only necessary to reply, that its functions are all to be performed here, and that is the test of locality, and not residency.

It must be acknowledged, that if the law passes, a corporation will be created, and that the corporation must be located somewhere. A simple question will solve this difficulty. Where is the location of the corporation, if it is not in this District?

If a State could pass such a law, why should the right be denied to a local legislative body of this District—the people of this District? What is the object of this bill? Is it not for the encouragement of the Navy: for the benefit of a National Establishment, which, on account of its gallantry, has become one of the proudest ornaments of the country? The creation of a fund for the relief of the widows and children of deceased officers, is merely the means by which the grand object of the bill is to be carried into effect. And are not the people of this District as much interested in the welfare of the Navy, as any other portion of the Union? It is upon the same principle that a State legislative body would act. It is on the same principle on which the General Government acts, in the establishment of navy hospitals.

Mr. HEMPHILL said he had other remarks to make on the expediency of the bill, but that, being indisposed, he should decline proceeding any further.

Mr. FULLER spoke in reply to the opponents of the bill.

The question recurring on the engrossment of the bill for a third reading, the yeas and nays were taken, and stood—yeas 65, nays 91, as follows:

YEAS—Messrs. Allen of Massachusetts, Barstow, Baylies, Bayly, Bigelow, Brown, Burrows, Cambreleng, Carter, Cassedy, Condict, Cook, Cushman, Cuthbert, Dane, Darlington, Dickinson, Durfee, Dwight, Eddy, Edwards of Connecticut, Edwards of Pennsylvania, Farrelly, Findlay, Fuller, Gorham, Hamilton, Harris, Hemphill, Herrick, Hill, Hobart, Holcombe, Ingham, Keyes, Lathrop, Little, McCarty, McKim, McLane, McSherry, Mattocks, Mercer, Moore of Virginia, Neale, Nelson of Massachusetts, Pitcher, Plumer of New Hampshire, Plumer of Pennsylvania, Reed of Massachusetts, Reid of Georgia, Rogers, Ruggles, Russ, Sterling of New York, J. Stephenson, Swan, Tattnall, Taylor, Tod, Van Rensselaer, Warfield, White, and Williamson—65.

NAYS—Messrs. Abbot, Alexander, Allen of Tennessee, Archer, Barber of Connecticut, Barber of Ohio, Bassett, Bateman, Blackledge, Borland, Buchanan, Burton, Butler, Campbell of New York, Campbell, of Ohio, Cannon, Chambers, Cocke, Conkling, Crafts, Crudup, Denison, Edwards of North Carolina, Eustis, Floyd, Forrest, Forward, Garnett, Gebhard, Gilmer, Govan, Gross, Hardin, Harvey, Hawks, Hubbard, Jackson, Jennings, F. Johnson, J. T. Johnson, J. S. Johnston, Jones of Virginia, Kent, Kirkland, Leftwich, Lincoln, Litchfield, McCoy, McNeill, Matlack, Matson, Metcalfe, Mitchell of Pennsylvania, Morgan, Murray, Nelson of Virginia, Patterson of New York, Patterson of Pennsylvania, Phillips, Pierson, Randolph, Reed of Maryland, Rhea, Rich, Rochester, Rodney, Ross, Russell, Sanders, Sloane, Arthur Smith, Alexander Smyth, W. Smith, A. Stevenson, Stoddard, Thompson, Tomlinson, Tracy, Trimble, Tucker of Virginia, Tucker of South Carolina, Udree, Upham, Vance, Van Wyck, Walworth, Whipple, Williams of Virginia, Williams of North Carolina, Wilson, Wood, and Woodson—91.

And so the said bill was rejected.

THURSDAY, January 9.

Mr. RANKIN, from the Committee on the Public Lands, to which the subject was referred by resolution of the 9th ultimo, reported a bill authorizing the Commissioner of the General Land Office to correct mistakes in entries of land; which was read twice and committed to the Committee of the Whole to which is committed the bill to establish an additional land office in the Territory of Michigan.

Mr. SLOANE, from the Committee on Elections,

made a report, declaring the legality of the credentials of Mr. UDREE, Mr. MCKIM, and Mr. HAMILTON, members of this House; which was ordered to lie on the table.

The resolution of Mr. INGHAM, yesterday laid on the table, requesting the Secretary of the Treasury to report a statement of the bonds out standing on the 1st December, 1822, and falling due in 1823, with the amount of debentures chargeable thereon, and the expense of collection; a statement of the amount of bonds outstanding on the 1st January, 1821, and at the commencement of each quarter during that year, with the debentures chargeable on the same in the respective periods; the amount of revenue from customs which may accrue in 1823, and what portion may be received in the course of that year, stating the average amount which has been received on the customs accrued within each year since 1816, inclusive; a statement of the whole amount of the unexpended balance of the sinking fund, distinguishing each year since 1817, and on what principle he distinguishes the balances that will accrue against that fund in 1823 and '24 from those of preceding years, by which he proposes to charge the estimated unexpended balances of 1823 and '24 upon the revenues of 1825; was considered and adopted.

Mr. CAMBRELENG rose and said, that, when the resolution relating to the case of Mrs. Denny was yesterday adopted by the House, his colleague (Mr. MORGAN) was not aware that he (Mr. C.) had then in his possession a petition and document upon that subject, which he had been prevented from presenting by a rule of the House, he would now ask leave to present it.

Leave being granted—

Mr. C. presented the petition of Penelope Denny. Mrs. Denny, he said, had a double claim on the liberality and justice of the nation; she was the widow of a Revolutionary officer and the mother of James Denny, late a quarter gunner of the United States schooner Alligator, who fell at the side of his gallant commander. Accompanying the petition was a certificate of General Robert Swartwout, stating that the deceased, during his life time, had appropriated the half of his pay to support his aged and destitute mother. While the House were passing a bill for the relief of the mother and sister of his commander, it would not dishonor the memory of a brave man, if it should be accompanied by a bill for extending the same justice to the mother of an humble but gallant sailor.

The petition was referred to the Committee on Naval Affairs.

On motion of Mr. EUSTIS, a select committee was appointed to inquire whether any legislative provision is necessary to effect a final adjustment of the accounts of Daniel D. Tompkins, Esquire, relative to advances made to and disbursements made by him, during the late war; and Mr. EUSTIS, Mr. TRIMBLE, Mr. MCKIM, Mr. ROGERS, and Mr. HAMILTON, were appointed the said committee.

On motion of Mr. RANKIN, a committee was appointed to inquire into the expediency of assigning to the Territory of Arkansas, such limits as shall constitute the limits of any State hereafter to be formed from said territory; and of preventing settlements on the lands of the United States, or Indian lands, west of those limits, and that the said Committee have leave to report by bill or otherwise; and Mr. RANKIN, Mr, BUCHANAN, Mr. RICH, Mr. SPENCER, Mr. SLOANE, Mr. SCOTT, and Mr. JOHN T. JOHNSON, were appointed said committee.

The engrossed bill "to confirm certain claims to lots in the village of Peoria, in the State of Illinois," was read a third time, passed, and sent to the Senate for concurrence.

The bills from the Senate for the relief of Daniel Seward, Amos Nicholls, and Robert Purdy, were severally twice read, and committed.

A bill from the Senate, "appropriating money for the purpose of repairing the National Road, from Cumberland to Wheeling," was twice read, and committed.

ALTERATION OF THE TARIFF.

Mr. TOD, from the Committee on Manufactures, reported a bill for the more effectual encouragement and protection of certain domestic manufactures, which was read twice, and committed to the Committee of the whole on the state of the Union. The bill is as follows:

A bill for the more effectual encouragement and protection of domestic manufactures.

Be it enacted, &c., That, from and after the thirtieth day of June, one thousand eight hundred and twenty-three, in lieu of the duties now imposed by law, on the importation of the articles hereinafter enumerated, there shall be levied, collected, and paid, the following duties, that is to say:

First. A duty of thirty per centum ad valorem on all manufactures of wool, or of which wool is a component part: *Provided*, That all woollen cloths, or cloths of which wool is a component part, excepting blankets, flannels, and worsted or stuff goods, the original cost of which, at the place whence imported, with the addition of ten per centum, shall be less than eighty cents per square yard, shall, with such addition, be taken and deemed to have cost eighty cents per square yard, and shall be charged with duty accordingly.

Second. A duty of twenty-five per centum ad valorem on all manufactures of cotton, silk, flax, or hemp, not herein particularly specified, or of which either of these materials is a component part: *Provided*, That all cotton cloths, or of which cotton is a component material, (excepting nankeens imported directly from China, and excepting cloths colored or dyed wholly or in part,) the original cost of which, at the place whence imported, with the addition of twenty per centum, if imported from the Cape of Good Hope, or from places beyond it, and of ten per centum, if imported from any other place, shall be less than twenty-five cents per square yard, shall, with such addition, be taken and deemed to have cost twenty-five cents per square yard, and shall be charged with duty accordingly. And, that all cotton cloths, or of which cotton is a component part, colored or dyed wholly or in part, the original cost of which, at the place whence imported, with the addition aforesaid, shall be less than thirty-five cents per square yard, shall, with such addition, be taken and deemed to have

cost thirty-five cents per square yard, and shall be charged with duty accordingly: And that all unbleached and uncolored cotton, twist, yarn, or thread, the original cost of which shall be less than sixty cents per pound, shall be deemed and taken to have cost sixty cents per pound, and shall be charged with duty accordingly: And all bleached or colored yarn, twist, or thread, the original cost of which shall be less than seventy-five cents per pound, shall be taken and deemed to have cost seventy-five cents per pound, and shall be charged with duty accordingly: *And, provided, also,* That all linen or hempen cloths, or cloths of which flax or hemp is a component material, not herein particularly specified, the cost of which at the place whence imported, with the addition of ten per centum, shall be less than twenty-five cents per square yard, shall, with such addition, be taken and deemed to have cost twenty-five cents per square yard, and shall be charged with duty accordingly.

A duty of thirty per centum ad valorem on nankeens.

Third. A duty of twenty-five per centum ad valorem on printing-types, brass wire, cutlery, pins, needles, buttons, button moulds, buckles of all kinds, japanned wares of all kinds, cannon, muskets, fire-arms, and side-arms, and on all manufactures, not herein specified, made of brass, iron, steel, pewter, lead, or tin, or of which any of these metals is a component material.

A duty of forty per centum ad valorem, on all Leghorn and silk hats; *Provided,* That, if the cost of the same, at the place whence imported, with the addition of ten per centum, shall be less than one dollar each, they shall be deemed and taken to have cost one dollar each, and shall be charged with duty accordingly.

The following duties severally and specifically:

On lead, in pigs, bars, or sheets, two cents per pound;

On leaden shot, three cents per pound;

On red or white lead, dry or ground in oil, four cents per pound;

On hemp, two and a quarter cents per pound;

On tarred cables and cordage, four cents per pound;

On untarred cordage, yarns, twine, pack-thread, and seines, five cents per pound;

On linseed and hempseed oil, twenty-five cents per gallon;

On wool, —— cents per pound;

On copperas, two cents per pound;

On iron, in bars and bolts, not manufactured, in whole or in part, by rolling, one dollar per hundred weight;

On round iron or braziers' rods, of three-sixteenths to eight-sixteenths of an inch diameter, inclusive, three dollars per hundred weight;

On slit iron, in nail or spike rods, three dollars per hundred weight;

On iron, in sheets or hoops, three dollars per hundred weight;

On iron spikes, three cents per pound;

On nails, five cents per pound;

On iron or steel wire, not exceeding number eighteen, five cents per pound; and over eighteen, nine cents per pound.

On plough places, or share moulds, one and a half cents per pound;

On anvils, two cents per pound;

On iron cables, or chains, or parts thereof, three cents per pound; and no drawback shall be allowed on the exportation of iron cables, or parts thereof;

On spades and shovels, two dollars and fifty cents per dozen;

On screws, manufactured of iron or brass, weighing twenty-five pounds and upwards, fifteen cents per pound;

On screws of iron, for wood, called wood screws, not exceeding one inch in length, eight cents per groce; over one inch, and not exceeding two inches in length, fourteen cents per groce; over two inches in length, twenty cents per groce;

On all wares, of flint glass, of whatever description, cut or uncut, a duty of six cents per pound, and in addition thereto, an ad valorem duty of twenty per centum;

On window glass, not above eight inches by ten inches in size, three dollars per hundred square feet; not above ten inches by twelve inches in size, three dollars and twenty-five cents per hundred square feet; and if above ten inches by twelve inches in size, three dollars and seventy-five cents per hundred square feet.

On black glass bottles, two dollars per groce;

On all other articles of glass, five cents per pound;

On Russia duck, per piece of fifty-two archeens, two dollars;

On Ravens duck, per piece of fifty-two archeens, one dollar and twenty-five cents;

On Holland duck, per piece of fifty-two archeens, two dollars and fifty cents;

On all printing paper, eight cents per pound;

Wrapping paper, six cents per pound;

Colored paper, six cents per pound;

Writing paper, not otherwise described, twelve cents per pound;

Sugar-loaf paper, four cents per pound;

Letter or folio-post paper, fifteen cents per pound;

Bookbinders', bandbox, and sheathing paper, three cents per pound;

On printed paper-hangings, fifteen cents per pound;

On all other paper, six cents per pound.

SEC. 2. *And be it further enacted,* That, in all cases, all articles composed of mixed or various materials, shall pay the highest duty to which articles manufactured from any of such materials are subject.

SEC. 3. *And be it further enacted,* That, from and after the —— day of ——, one thousand eight hundred and twenty ——, to the duties on any goods, wares, and merchandise, whatsoever, there shall be added and paid the full amount of such bounty or premium, or allowance in nature thereof, as on the exportation of similar articles may be given, paid, or allowed, in the place or country whence the same shall be exported, or in the place or country wherein the same shall be produced or manufactured, which shall be calculated and ascertained under such rules and regulations as the Secretary of the Treasury shall from time to time prescribe.

SEC. 4. *And be it further enacted,* That an addition of ten per centum shall be made to the several rates of duties hereby imposed upon the several articles aforesaid, which, after the said thirtieth day of June, one thousand eight hundred and twenty-three, shall be imported in ships or vessels not of the United States: *Provided,* That this addition shall not apply to articles imported in ships or vessels not of the United States, entitled by treaty or by any act of Congress to be admitted on payment of the same duties that are paid on like articles imported in ships or vessels of the United States.

SEC. 5. *And be it further enacted,* That there shall

be allowed a drawback of the duties by this act imposed, upon the exportation of any articles that shall have paid the same, within the time and in the manner, and subject to the restrictions, prescribed in the fourth section of the act, entitled "An act to regulate the duties on imports and tonnage," passed the twenty-seventh day of April, one thousand eight hundred and sixteen.

SEC. 6. *And be it further enacted,* That the existing laws shall extend to and be in force for the collection of the duties imposed by this act, for the prosecution and punishment of all offences, and for the recovery, collection, distribution, and remission, of all fines, penalties, and forfeitures, as fully and effectually as if every regulation, penalty, forfeiture, provision, clause, matter, and thing, to that effect in the existing laws contained, had been inserted in and re-enacted by this act.

ROAD FROM OHIO TO MICHIGAN.

The House then, on motion of Mr. VANCE, took up the bill to appropriate a certain quantity of land to defray the charge of laying out and making a road from the mouth of the Miami of Lake Erie to the Connecticut Reserve.

Mr. VANCE delivered, more at length than heretofore, the views which he entertained of the importance of the measure proposed by the bill. He stated facts showing the enormous charge of transportation of supplies from Ohio to Michigan, during the late war, for the want of a passable road. He replied to anticipated objections, on the score of the value of the land proposed to be applied to this object. The whole quantity to be granted to the purpose, he estimated at 57,000 acres, worth, at the minimum price, $72,000, but in fact worth much less to the United States, from its inaccessibility. He did not believe, however, it was worth, in the market, more than sixty-two and a half cents per acre, which would make only an amount of $36,000 to be applied to this great object. He hoped it would not be considered a heresy in politics to state that the Northwestern frontier was equally entitled to protection with other parts of the United States. If this land was in reality worth two dollars and a half per acre, it would amount only to a total of one hundred and forty-four thousand dollars, which was a very small amount, certainly, compared with the magnitude of the object of protecting that frontier by this military road. In addition to all these arguments of expediency and necessity, in favor of this measure, there is, he said, a treaty stipulation by which the United States have bound themselves to make the road, (referring to the Treaty of Brownstown;) and he made some statements to show that the Indians, who were parties to that treaty, were desirous the road should be made. There was such a disposition to impute to the Western members interested motives, in regard to all measures concerning public lands, he had rather ask this as a matter of right, under the treaty, than as a matter of favor. But, in the name of the people of Michigan, though there had been no treaty, he would ask the passage of this bill as a matter of justice as well as favor to the people of Michigan, to connect them with the settled parts of the United States. As respects the State of Ohio, though somewhat interested in the road, it was much less so than the people of Michigan. Nor was the whole Union less interested in it. The defeat at Frenchtown, during the late war, was occasioned by the want of it, from the impracticability of uniting the different detachments of the army, and during the whole war there was much waste of life and treasure from the same cause. Mr. V. added other remarks illustrative of these positions.

After moving an amendment, which was agreed to by the House—

Mr. SIBLEY, the Delegate from Michigan, also spoke in favor of the bill, in which he said his constituents were deeply interested, separated as they were from the rest of the United States, and in a manner isolated from the Territory with which they are particularly connected. He first adverted to the provision of the treaty, held under the authority of the United States, wherein a grant of the land for the road, and of a mile deep on each side of it, was made by the Indians to the United States, on the condition and for the purpose of making this road. Since that time the remainder of the territory had been ceded by the Indians to the United States, but nothing had been done by the United States towards making the road. The interest of the Government, in making this road, with a view to military operations, Mr. S. said, was in fact much greater than the local interest in it. It was a portion of the territory of the United States, weaker, more exposed, and more likely to fall into the hands of an enemy during war than any other. During a war, (with Great Britain, should it ever again happen,) it would be of the first importance to make this point safe; and to do this securely, the population of the adjacent States, on which its defence must greatly depend, ought to have the means of concentrating its strength, the want of which means was so severely felt during the late war. Mr. S. added other arguments in support of the bill; such as that the road is necessary to secure any thing like a regular transportation of the mail; that the Michigan Territory must people slowly until an access is opened to it, without being obliged, as was now necessary at some seasons of the year, to go through foreign territory to get to it. Thus, Mr. S. said, supposing there was no right derived from the treaty, the object was of the utmost importance, and the bill proposed no new principle. Lands had been often granted by Congress for objects of much less importance, and, as for this land, it would be of no value to the United States until a road was made, and it became worth the trouble to drain it. The quantity of land proposed to be allotted to this purpose would not, in his opinion, be sufficient to accomplish it, but it was probable that, by the aid of this grant, those who were interested would be able to complete the work.

Mr. COCKE said, that a reference to almost every treaty with the Indians, for twenty years past, would exhibit provisions for roads in almost every direction. It was no new thing to prevail upon

the Indians to give their consent to have a road made. The Indians are pressed into the measure; and it was the first time he had ever heard it suggested that the Indians were desirous of having a highway through their lands. Such an idea was contrary to their nature; their pursuits are repugnant to it. He could not therefore yield to the argument, in favor of this bill, that the Indians are desirous to see the road made. He did not understand, he said, how the making of a road through it was to drain the swamp, and he wished for information on that head. And why were the United States to pay for making this road any more than roads in other parts of the country? Were the people of Michigan so regardless of their interest that they would not make a road to lead to their Territory? If it was necessary to appropriate this land to this object, for the benefit of the people of Michigan, why was it to be given to the State of Ohio? Why not let Michigan have it? No, Mr. C. said, let us keep it in our hands, that we may ourselves regulate the matter, if the road is to be made. He was obliged to the gentleman for the suggestion that the proceeds of the land would not be sufficient to make the road. This bill would then be but a beginning. And, said he, once enter the wedge, and you will not get clear of it for ten years to come. Mr. C. concluded by requiring the yeas and nays on the question of ordering this bill to a third reading.

Mr. LITTLE said that, to any measure calculated to promote the prosperity and happiness of any section of our country, and not impairing the rights of any body, he felt himself bound to give his support. That the public is greatly interested in the measure proposed by this bill, had been sufficiently shown. The treasure of the country, as well as its blood, had been wasted for want of the road. His reflection on the subject, too, had induced him to believe, that it was in consequence of the access being so difficult, that the Michigan country had filled up so slowly. It was an inconvenience which ought to be remedied; that, in order to get into the United States, it was for one half of the year necessary for the people of Michigan to pass through the territory of a nation with whom we have already had two wars, and with whom he should not be surprised to live to see a third. It was no reason against this bill, that application might be hereafter made from other quarters for similar grants. This is not the first grant which has been made for similar purposes, but no grant had been made for any as important. The facts which had been stated respecting the evils suffered in the late war for want of this road were undoubted; and Mr. L. hoped that, on further consideration, the gentleman from Tennessee would withdraw his opposition to the bill.

Mr. MITCHELL, of South Carolina, said that he knew very little of the merits of this question, but what he had gathered from the report which accompanied the bill. He was of opinion, however, that this cession ought to be made. In the first place, he said, this land was conveyed to the United States for the express purpose of making the road; and with the same object the land had been surveyed, without any thing further being done upon it. If we choose to give this land, he said, while we do not diminish the funds of the nation, we comply with the condition of the cession to us, and effect a valuable object to the nation. It was, he said, a matter of great importance to the United States, that this road should be made. The country between the Miami river and the Connecticut Reserve is a swamp, often impassable, and intercepts the communication between Michigan and Ohio. Michigan is a frontier country; it adjoins Upper Canada; its population is so small that it cannot defend itself in the event of a war again occurring with the owners of Upper Canada, and must fall, unless a communication be established between it and the more populous parts of our country. It is our interest, therefore, if we wish to hold the Territory of Michigan, to have the road cut. At present, it is understood that the communication to and from Michigan with the United States must, for a considerable portion of the year, be carried on through Upper Canada. Ought we, he asked, to permit our territory to be so dissociated as to have to communicate with it through the medium of a foreign territory? He thought not, and was therefore in favor of this bill.

Mr. HARDIN said that, of the power of Congress to pass this bill, he entertained no doubt. One of the most vulnerable points of our country to an enemy is the Michigan Territory. It has not within itself strength for its defence, and has to call on the neighboring States for succor to repel invasion. Mr. H. adverted to the enormous expense to which the United States were put on that frontier during the late war, which would not have been one-fourth as great had the proposed road then existed. The whole army, when at Fort Meigs, &c., had to be supplied by transportation on horses for a hundred or a hundred and fifty miles, so that every barrel of flour consumed had cost the United States some fifty dollars per barrel. It was important, therefore, that a direct intercourse should be opened between the settled country and that part of our territory. There could be no objection, in a Constitutional view, to making this road, in the character of a military road. As to the expediency of the road, Mr. H. said, he entertained no doubt. The two vulnerable points of our country are Florida and Michigan. Mr. H. said, he wished to see them strengthened as much as possible and as fast as possible. He also adverted to the increased value which would be given to the lands of the United States in that quarter by the increased facility of access. There was but one objection to the bill, that he could see. It was this: that, if we cede the land to the State of Ohio, and she does not make the road, we shall have no power to get it back again. But, Mr. H. said, he had so much confidence in the integrity of the State of Ohio, that he was willing to pass the bill without a clause providing for its reversion in such case. He had no doubt the State of Ohio would lay out every cent of the proceeds of the sales of the lands in making or repairing the road. This case being

clearly distinguishable from the exercise of the general power of internal improvement, as contemplating a military road, he hoped his friend from Tennessee would withdraw his opposition, and let the bill pass by a unanimous vote. He hoped, too, when the question regarding the Cumberland road came up, to witness the same spirit of unanimity in its favor, which was to be seen on this occasion.

Mr. Campbell, of Ohio, rose, not so much to urge arguments in support of the bill, as to notice a remark which fell from the gentleman who had just taken his seat, as to what might be the conduct of the State of Ohio in regard to the road. A year ago, Mr. C. said, the Legislature of Ohio had passed an act on this subject, in which she had evinced her willingness to take upon herself the trouble and expense of making this road, if the right of the United States to the land in question were ceded to her. He did not pretend to say that this road would not be an advantage to the State of Ohio, but it would be of more importance to the interests of the Union generally. The country in which this road lies is one of the most valuable in the Union, and as little had been done for it, as for any section of the Union. On this point he would only observe, he said, that so great was his zeal to increase the population of the Peninsula of Michigan, he was willing to vote even two or three hundred thousand acres of land to those who would settle it, or he would sell the land at fifty cents per acre if it would induce a settlement of it. He would use every means to accomplish an object so desirable. On the score of money, which was said to be the sinew of war, much that was expended during the late war, would have been saved, had the proposed road then existed; and the petitions even at this day presented by the delegate from that Territory remind us in what condition the fortune of war has once placed it. In a pecuniary point of view, Mr. C. said, the House could not err in passing this bill. As far as he knew the sentiment of the State of Ohio, she would take a deep interest in making the road. Mr. C. examined the treaty-provision respecting this road, which, he argued, did not assimilate itself to the general treaty provisions respecting roads, adverted to by Mr. Cocke, inasmuch as those provisions were inserted to accommodate the United States, and to be executed at our pleasure, whilst in this case the stipulation was obligatory and binding on the United States. The population of Upper Canada, Mr. C. said, had greatly increased in consequence of the liberality of the British Government to settlers. That Government considers its possessions in that quarter vulnerable; but they are not as vulnerable as ours. Whilst they are increasing their strength in that direction, ought we not to be increasing ours? Any course different from this must be a blind one, and such as the Government ought not to pursue. The gentleman from Tennessee had said, if the people of Michigan are interested, let them make the road. But, Mr. C. asked, will their physical means enable them to make it? They are interested in the road, it is true; but there is no population in the Union of ten thousand souls able to make a road of forty-five miles in length through such a swamp as that. They are already weighed down with taxation, and are perhaps the most oppressed people under the Government of the United States. In answer to the remark that, if this bill passed, application would be hereafter made to the United States for further aid to complete the road, Mr. C. said, when those applications were made it would be the duty of Congress to act upon them as should appear to be right. They must stand or fall on their own merits or demerits. If rightful, they would be granted; if otherwise, they would be rejected.

Mr. Farrelly observed, that he lived on the Northwestern frontier, and rose to communicate facts, which every one on that frontier must know. Michigan was, without doubt, the most exposed point, and also the weakest of the Union. The Territory was inhabited by numerous nations of Indians, who had been accustomed to war with the people of the United States. From the close of the war of the Revolution down to the defeat of General Wayne, they were in a state of continual hostility. During the late war, they desolated that Territory; and, in case of any rupture between us and the British Government, we know, from the experience of the past, on which side they will be engaged. If the Territory of Michigan were able to protect itself during the late war, what a saving it would have been to the nation in treasure and blood; the Kentucky militia would not have been massacred—which happened after they passed that swamp. It is an object of the greatest importance to the United States to encourage the population of Michigan, which has been hitherto kept down by the impracticability of going to it. By passing the bill, the United States will secure the most important advantages. I know it to be a fact, that the merchants of the place where I reside, and generally of the district I represent, who have commercial relations with Detroit, have to go there and return, at some seasons of the year, through Upper Canada, in consequence of the obstacles opposed by the Black Swamp. The United States fleet has disappeared on Lake Erie; and it is of the utmost importance to strengthen the interior of the country, which has not resources itself to make this road.

Mr. Sibley again rose. There was, he said, in reply to Mr. Cocke, no want of patriotism and liberality in the Territory of Michigan. He mentioned large appropriations of money which they had had to make for roads, of which the United States were deriving the benefit; and also that there was a road of considerable length which the Territory would have to make to meet the very road embraced in this bill. He appealed to the House whether Michigan, who had been doing her utmost to connect herself with the rest of the Union, ought to be expected to make this road.

The question was then taken on ordering the bill to be engrossed and read a third time, and decided—yeas 130, nays 21, as follows:

Yeas—Messrs. Abbot, Allen of Massachusetts, Allen of Tennessee, Archer, Barber of Connecticut, Bar-

ber of Ohio, Bateman, Baily, Bigelow, Borland, Brown, Buchanan, Burrows, Butler, Cambreleng, Campbell of New York, Campbell of Ohio, Cannon, Carter, Cassedy, Chambers, Conkling, Cook, Crafts, Crudup, Cushman, Dane, Denison, Dickinson, Durfee, Dwight, Eddy, Edwards of Connecticut, Edwards of Pennsylvania, Farrelly, Findlay, Forrest, Forward, Fuller, Govan, Hardin, Harris, Harvey, Hemphill, Hill, Holcombe, Hooks, Hubbard, Ingham, Jackson, Jennings, F. Johnson, J. T. Johnson, Jones of Virginia, Jones of Tennessee, Kent, Keyes, Kirkland, Lathrop, Leftwich, Lincoln, Litchfield, Little, McCarty, McKim, McLane, McNeill, McSherry, Mallary, Matlack, Matson, Mattocks, Metcalfe, Mitchell of Pennsylvania, Mitchell of South Carolina, Moore of Virginia, Moore of Alabama, Morgan, Murray, Neale, Nelson of Massachusetts, Nelson of Virginia, Newton, Patterson of New York, Patterson of Pennsylvania, Phillips, Pierson, Pitcher, Plumer of New Hampshire, Plumer of Pennsylvania, Reed of Massachusetts, Reed of Maryland, Rhea, Rochester, Rogers, Ross, Ruggles, Russell, Saunders, Scott, Sloane, William Smith, Spencer, Sterling of Connecticut, Sterling of New York, J. Stephenson, Stewart, Swan, Tattnall, Taylor, Thompson, Tod, Tomlinson, Tracy, Trimble, Tucker of Virginia, Tucker of South Carolina, Udree, Upham, Vance, Van Rensselaer, Walker, Walworth, Whipple, White, Williamson, Wilson, Wood, Woodcock, and Woodson.

NAYS—Messrs. Alexander, Bassett, Blackledge, Burton, Cocke, Condiet, Conner, Edwards of North Carolina, Garnett, Gilmer, Gorham, Hawks, McCoy, Rich, Rodney, Russ, Arthur Smith, Stoddard, Van Wyck, Williams of Virginia, and Williams of North Carolina.

So the bill was ordered to be read a third time to-morrow.

DISCIPLINING THE MILITIA.

The House then, on motion of Mr. CANNON, resolved itself into a Committee of the Whole on the bill to provide for disciplining the militia of the United States.

After some conversation between Mr. J. SPEED SMITH and Mr. CANNON, on the subject of amendments to the bill; and Mr. ARTHUR SMITH having moved an amendment to the bill to limit the proposed encampments to once in two years, instead of once in each year—

Mr. CANNON, of Tennessee, said he felt it his duty to ask the indulgence of the Committee of the whole House while he would endeavor to give some of the views of the select committee who had reported the bill under consideration; also, some of the opinions he himself entertained on the subject. It was a subject, he said, that heretofore had not been thought unworthy of the attention of the greatest and most distinguished statesmen of our country. It had been pressed with great zeal and ability on the attention of the first Congress of the United States, by him who had passed through the difficulties, and encountered the dangers of the Revolution; who had powerfully aided in the establishment of our independence; who was called to the highest office in the gift of the people, and who has been justly indeed called the Father of his Country. It was WASHINGTON, who, in this early period of our Government, thought this a subject of the highest importance. He felt and expressed to Congress, during his administration, a constant solicitude to see the militia of the United States placed on an efficient establishment, as did also Mr. Jefferson, during his administration: he repeatedly urged on the consideration of Congress the improvement of this great force; and expressed his reliance on them for national defence; and Mr. Madison, throughout the whole of his administration, had also urged upon the consideration of Congress, with great force and unexampled zeal, the necessity of arming, organizing, and disciplining the militia; and, after the close of the late war, with all the experience it had afforded, he expressed his entire confidence in this great means of national defence, for the preservation of the principles of our Constitution. These high authorities, he thought, ought to be sufficient, at this time, to entitle the subject to the serious consideration of the Committee. Were it necessary, others could be given. He said since the time he was first honored with a seat in the House, the subject had, at different times, been brought up; committees had been appointed, had acted on it, and systems reported to the House, but never fully examined or discussed. He remembered that a distinguished member from the State of Ohio (Mr. HARRISON) had evinced a deep interest in the improvement of the militia; while a member from that State some years past, and as chairman of a committee, he reported a general system, but did not succeed in its adoption by the House. Indeed, every effort which had been made since the origin of our Government to carry into effect the provisions of the Constitution, in relation to this great object, has been defeated; no provision whatever has yet been made for the discipline of the militia; not one dollar has yet been appropriated in this way for our national defence, our Constitutional defence, and chief reliance; while on our auxiliary defences, regular Army, Navy Fortifications, and Military Academy, we are expending six or seven millions every year.

With this experience before us, had we viewed this as a subject of only ordinary importance, we might have been deterred from presenting to the House this bill, or even attempting to draw the attention of the Committee to its investigation. But, sir, said Mr. C., the principle contained in the bill now before us, is not one of ordinary character; it is one of the highest importance that ever has or ever can come before this body, whether it is seen in a military or a political point of view. He said, the entire control over the militia, in relation to this subject, was not given to the General Government. This would appear by reference to a clause in the eighth section of the first article of the Constitution of the United States. Here, he said, the power was given to Congress "to pro-
'vide for organizing, arming, and disciplining the
'militia, and for governing such part of them as
'may be employed in the service of the United
'States, reserving to the States, respectively, the
'appointment of the officers and the authority of
'training the militia according to the discipline
'prescribed by Congress." Thus, he said, it was evident Congress could not carry fully into effect

any system providing for the discipline of the militia, independent of the State governments; and the system now proposed, contemplated the acceptance, by the Legislatures of the respective States, as well as provisions adopted by them to carry it into effect. He had no doubt every State in the Union would readily accept the provisions of this system, because it offered to pay their militia officers for the time necessarily devoted to the acquisition of military science. This, he thought, would be a sufficient inducement to insure its acceptance by all the States.

He then begged leave to call the attention of the Committee to the general provisions of the bill, which he briefly enumerated. As to the expense of the system, he said it was impossible to arrive at any thing like certainty or precision, though he had taken great pains to be enabled to give the House the most correct information that was practicable, or could be arrived at by calculation; the whole of which he submitted to the Committee, in the fullest confidence that they would bear the test of a fair and impartial examination. He said the whole number of the militia of the United States and Territories, agreeably to the latest returns that have been made, (and allowing five thousand for the Territory of Arkansas, from which no return appears to have been received,) amounts to 937,447, which number, divided into captains' companies of 85 each, including officers and non-commissioned officers, gives us 11,028. This number, divided into regiments of eight companies each, as an average number, gives us 1,378 regiments, which, divided into brigades, at an average of five regiments to each brigade, gives us 275 brigades in the whole United States and Territories, which, according to the provisions of the bill, will constitute the same number of 275 encampments as schools of instruction, in which all the commissioned officers, and the brigade and regimental staff of the militia, will be instructed in camp duty, field exercise, and military science. The bill proposes to give to each person ten cents per mile as travelling allowance, for the distance he may reside from the place of encampment, one ration and the following pay per day, during the time they are thus encamped, to wit:

A Brigadier General	$2 50
Aid-de-camps	1 50
Brigade Majors	2 50
Brigade Quartermasters	2 50
Inspectors	2 50
Colonel Commandants	2 00
Lieutenant Colonels	2 00
Majors	2 00
Adjutants	1 50
Regimental Quartermasters	1 50
Sergeant Majors	1 00
Quartermaster Sergeants	1 00
Musicians	1 00
Surgeons	1 50
Paymasters	1 50
Captains	1 50
Lieutenants	1 50
Ensigns	1 50

At this rate, the pay of one brigade encamped would amount to $259 50 cents for one day; the rations, at 20 cents each ration, would amount to $34 40, and the travelling allowance to $258, taking fifteen miles as the average distance each officer lived from the place of encampment, making the total sum of $553 90 cents as the whole expense of each brigade, exclusive of the camp equipage, as provided to be furnished by the bill. Then, agreeable to this calculation, the whole United States, containing 275 brigades, encamped, will cost—

For one day	$152,322 per annum.
Two days	232,595
Three days	313,417
Four days	394,240
Five days	475,062
Six days	555,885

per annum, including the pay, rations, and travelling allowance contemplated by the bill, which provides they shall be encamped for not less than four, nor exceeding six days; then take five days as the medium, it will cost $475,062 to encamp and instruct, agreeably to this system, annually, the militia officers of the United States, being in number estimated at between forty-seven and forty-eight thousand. By this system, military science, he said, would be diffused throughout the whole United States, and the money expended, to carry it into effect, would also be distributed in every State and Territory, agreeably to its number of militia. There would be expended in the

State of Tennessee, annually, about	$20,000
Virginia	47,000
North Carolina	23,000
Pennsylvania	73,000
New York	62,000
Ohio	42,000
Kentucky	30,000

and in all the other States and Territories in the same proportion, agreeably to their numbers, while in each our military science would be diffused on the same principle of equality for the great purpose of national defence. The expenditures, he said, on the Army, Navy, Fortifications, and Military Academy, for the same object, had been about 7,000,000 per annum; yet he did not believe they were our main reliance for security; they were only the auxiliary means of defence; the militia were the main stay and only safe reliance for the perpetuation of the principles of our Government. But, he said, he did not wish to make this exclusively a military question. It was a great political question, and he wished gentlemen to view it as statesmen; in that way he thought it would have a most potent aspect. What! said he, when we are expending $7,000,000 annually on the Army, Navy, Fortifications, and Military Academy, as auxiliary means of defence, surely no one will object to this comparatively pitiful expenditure, of less than half a million, on our great Constitutional defence. In his opinion, he said, it was much too little; for, if we go on in this course, in making such large expenditures on objects that will not give us security, and at the

same time continue to neglect the great bulwark of our safety, what is to be the consequence? I need not point it out, for the reflections of every gentleman must bring him to the same result. The attention of the people is to be drawn from reliance on themselves, so far as the influence of such measures, and those in authority can go; and, while their attention is constantly directed to the Army, Navy, Fortifications, and Military Academy, they are persuaded to forget that they are their own and their country's defenders. But, sir, said he, I hope the time is very far distant when they can be brought to this. When you inquire about the defences of our country of those in authority, you are told of the Army, the Navy, Fortifications, and Military Academy, and these we are told are to diffuse military science to the militia throughout the Union; but, sir, this will never be realized. The science of the Army and the Military Academy is like the light under the bushel, to the militia, or the great body of the people. They are not enlightened in military science from that source. It is partial, and confines this science to a few, while I wish, so far, as it is taught at the public expense, to teach it to the great body of the people. I have been often told, not in the House, but out of it, that nothing can be done, in regard to giving military science to the militia. This doctrine I do not believe in; the experiment has not yet been fairly made; not one single dollar has ever yet been appropriated by the General Government to that object. He thought the public money could be as well applied to national defence in this way as any other; the system he had presented was a simple and easy one to be carried into effect. It only wanted the sanction of Congress, and the appropriation of the money, and the great object would readily be attained. The militia officers of the whole United States would soon be instructed in all the duties required of them in a state of war; and, while in a state of peace, would be constantly in some degree disseminating, to the great mass of the people, the principles by which they are to be governed when called into the public service. This, he confidently believed, would result from the passage of this bill. Though he did not like the details of it in every respect himself, he at the same time was anxious for its adoption. The principle was the great point to be gained. To give discipline by a general and impartial system to all the officers of the militia, would effect every thing necessary; for, when all the officers of an army are acquainted with their duties, all goes on well with the service. He was also in favor of arming this great national force, and during the last session of Congress had introduced a resolution, which was adopted by the House, inquiring into the expediency of increasing the annual appropriation for arming the militia. The resolution was referred to the Committee of Ways and Means, who reported against it, on the ground that there was a large amount of the present annual appropriation to that object unexpended. While the appropriation to the regular Army, Fortifications, and Military Academy, could be applied to the fullest extent, and amounting to many millions, the comparatively small appropriation of two hundred thousand dollars, for arming the citizens of our country, could not, it seemed, be applied to that object. This, he said, indicated to him the feelings of those whose duty it was to see our appropriations faithfully and impartially applied to the objects for which they were intended. Such feelings, he feared, prevailed with at least a part of those engaged in the administration of our Government, and he wished, by the adoption of the measure before the Committee, to draw more strongly the attention of the administration of our Government to what he believed to be our great reliance for national defence, and such, he had no doubt, would be the effect of its adoption. There were, he said, many enlarged and important views connected with this great subject, which he declined, at this time, going into. He had stated to the Committee, as briefly as he could, the leading objects and provisions of the bill, and with as much correctness as was in his power, or, as he believed, was in the power of any one, the annual amount of its expense. He wished the members to examine well and reflect on the subject. He contended that the provisions of the Constitution of the United States, in relation to this great object, should be carried into effect. He had no doubt the framers of the Constitution as much intended this power should be exercised as any of the other powers given to Congress. This was the object of the bill, which he said was based on the great principles of equality, in relation to the distribution of military science, as well as the expenditure of the money. It would go equally into every State and Territory in the Union, every county, and even into every captain's company. The people will be instructed in military science; then give them arms, and we are fortified at every point, and over every part of our territory, so far as population has extended, or shall extend. He hoped that this Congress would not adjourn, or that the 3d of March would not arrive, before the adoption of this measure, or some other, equally calculated to secure, to the latest period, the great principles of free government and republican liberty. It is true, he said, we are not now threatened with the dangers of war, but if peace is indeed the time to prepare for war, now is the time for the adoption of this measure.

Mr. ARTHUR SMITH, of Virginia, moved to amend the bill so as to require the encampments to take place every two years instead of yearly.

Mr. KEYES, of Vermont, proposed to amend the proposed amendment, by adding two years more, so as to have the bill provide for an encampment of officers to take place once in four years. Mr. K. acknowledged his object in making this motion was to destroy the bill under consideration; for he looked upon the passing of it as greatly enhancing the expenses of the United States, without their receiving any benefit in return for this expense. The militia of New England was now well disciplined, and could form column or battalion, and display, from centre or either wing, as

circumstances should require; but he did not know how it was in other parts of the Union. But, Mr. K. said, he did not consider the forming column, and displaying, of militia, was of much use; for, all that was, or ought to be required of militia, in his opinion, was, to place them behind trees, stone walls, and breast-works; and learn them to prime, load, take aim, and fire—upon the enemy's fronts, wings, and rear, as occasions should require. And, said Mr. K., this is the best way for militia to fight their enemy. He hoped that this Congress had not forgotten the many great battles of the militia, fought within the United States, since the separation from our mother country; and, said he, being an old soldier, and an old man, he would name a few of them—and commenced with naming, that, in the beginning of the year 1775, the British army, being in the town of Boston, stole a march in the night, and arrived in the town of Lexington early the next morning, murdered, killed, and wounded about twelve men, inhabitants of said town. That, in consequence of this outrage of the British troops, the militia of Massachusetts rallied, fell upon the flanks and rear of the enemy, and ran behind stone walls, trees, and every kind of breast-work, occasionally, as circumstances required, giving them a shot or two, and then running to the next advantageous place, and so on, until they drove the British back to Boston, with great slaughter. And, in June, 1775, the British army passed over from Boston to Charleston, in Massachusetts—burnt the town, and then attacked the New England militia at Bunker's Hill; but here the British ranks were two or three times broken—and in this engagement the militia killed and wounded of the British disciplined army, more than thirty wagon loads. In the year 1777, the British army, passing through our country, under the command of General Burgoyne, the General sent a heavy detachment of the army to destroy the military stores at Bennington, in Vermont; but, before their arrival, they were attacked by the militia of New York, and what then were called the Green Mountain Boys of Vermont and New Hampshire—and they were totally killed, wounded, and dispersed, by the aforesaid militia. Now, Mr. K. said, he would give some account of the United States militia, in the last war. In September, 1814, the British army, from Canada, came against the town of Plattsburg, in the State of New York, to the amount of 14,000 well disciplined troops; but they were turned about by 1,400 of the militia of New York and Vermont, and driven back into Canada. And, further, in the same year, a powerful British army came against New Orleans; but that powerful army and disciplined generals, were astonishingly met by the militia of Kentucky, Tennessee, and our Western Territories, who dropped them down by thousands, and totally destroyed and dispersed them.

Mr. Chairman, said Mr. K., I now will speak of the British army which came against this city, in August, 1814. This army was met at Bladensburg, by the Baltimore militia and the militia of this city, and would have been completely slain and destroyed by them, had not their commander ordered them to retreat. This commander was a man well disciplined in the camp, in the field, and in the woods. After the enemy had burnt the Capitol and what else they chose, they returned to their ships, and sailed to Baltimore; but the brave Baltimore militia, who were commanded to retreat from the battle of Bladensburg, retreated to Baltimore, and there, joined by more of the Baltimore militia, met, with the greatest courage, the enemy, and killed their general and men at such an awful rate, that they were compelled to reimbark, and the beautiful city of Baltimore was thus saved.

Now, Mr. Chairman, asked Mr. K., what more do Congress want the militia to do? They have, by the blessing of Heaven, destroyed all your enemies—and would do so again, and again, if our country should hereafter need to be defended by militia. Our militia will not degenerate, but will fight to defend their liberties and rights, as their fathers and grandfathers have done. But, if they will not, after being so much better prepared, both as to numbers of men and every implement of war, then let them be conquered; for, in that case, they would not be worthy to inherit so goodly a land, which has, thus far, been defended for our descendants.

But, Mr. Chairman, pay off your national debts, and not burden the rising generation with heavy taxes, to pay interest and principal, if you have money in the Treasury to spare, and not throw away five or six hundred thousand dollars a year, to discipline men who are now equal, or better than any regular troops in any part of the world. We have beaten the British twice, and I cannot believe that they will ever attempt to fight us again. He hoped this bill would be destroyed.

At this stage of the business, the Committee rose, and the House adjourned.

Friday, January 10.

Mr. Plumer, of New Hampshire, from the Committee on the Judiciary, reported a bill to amend the ordinance and acts of Congress for the government of Michigan, and for other purposes; which was read twice, and committed to the Committee of the whole House on the State of the Union.

Mr. Campbell, of Ohio, from the Committee on Private Land Claims, reported a bill for the relief of Jacob Shafer; which was read twice, and committed to a Committee of the Whole.

The Committee on Private Land Claims were discharged from the further consideration of the bill from the Senate, entitled "An act for the relief of Daniel Seward," and it was referred to the Committee on the Public Lands.

On motion of Mr. Reed, of Maryland, the Committee of Claims were instructed to inquire into the expediency of allowing the claim of the representatives of William Lee, who was killed on board the Essex, for his proportion of prize-money, and pay as a seaman.

On motion of Mr. Neale, the Committee for

the District of Columbia were instructed to inquire into the state of the accommodations at present provided for the circuit court for the county of Washington, in said District; and whether any, and, if any, what, provision is necessary to be made for the security of the records of the said court.

The resolution of Mr. WRIGHT, laid on the table on the 20th ultimo, instructing the Military Committee to inquire into the expediency of providing for arming the militia with rifles, was considered and agreed to.

On motion of Mr. SIBLEY, the Committee on Commerce were instructed to inquire into the expediency of erecting a lighthouse at the foot of Lake Huron, at or near Fort Gratiot, in the Territory of Michigan.

A motion was made by Mr. COOK that the Committee of the Whole to which is committed the bill to authorize the laying out and opening of a road from Wheeling, in the State of Virginia, to the seat of government of the State of Missouri, be discharged from its further consideration, and that it be committed to the Committee of the Whole on the state of the Union.

This motion was decided in the negative; and it was then ordered that the Committee of the Whole, to which the said bill is committed, be discharged from the further consideration thereof, and that the said bill be laid on the table.

Mr. MCLANE gave notice that, on Wednesday next, he should move to go into Committee of the Whole on the bill for further regulating the duties on imports and tonnage.

An engrossed bill, entitled "An act for laying out and making a road from the lower Rapids of the Miami of Lake Erie to the western boundary of the Connecticut Western Reserve, in the State of Ohio, agreeably to the provisions of the Treaty of Brownstown," was read the third time, and passed.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act making a partial appropriation for the support of Government for the year 1823." Also, bills, entitled "An act for the relief of the representatives of John Donelson, Thomas Carr, and others;" and "An act for the relief of Joshua Russell;" in which they ask the concurrence of this House.

Ordered, That, when the House shall adjourn, it will adjourn to meet again on Monday next.

The bill from the Senate, entitled "An act for relief of the representatives of John Donelson, Thomas Carr, and others," was read twice, and referred to the Committee on the Public Lands.

The bill from the Senate, entitled "An act for the relief of Joshua Russell," was read twice, and referred to the Committee on Private Land Claims.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting reports of the Registers of the Land Offices of the Eastern District, and of the district north of Red River, in the State of Louisiana, made in obedience to the 6th section of the act of the 11th of May, 1820, entitled "An act supplementary to the several acts for the adjustment of land claims in the State of Louisiana;" which were referred to the Committee on the Public Lands.

DISCIPLINING THE MILITIA.

The consideration of the unfinished business of yesterday, being the bill providing for disciplining the militia of the United States, was resumed, when—

Mr. SAUNDERS, of North Carolina, said, he trusted the gentleman from Tennessee, who had reported the bill, would not accuse him of a want of liberality in doing then what he should have done on a previous occasion, but for the purpose of enabling the friends of the measure to render it as perfect in detail as practicable. He thought, from what had already occurred, there was but little reason to believe that they would agree among themselves. And as the gentleman (Mr. CANNON) had gone into the argument in full, he, (Mr. S.,) would at once test the opinion of the Committee, by moving to strike out the enacting words of the bill. In making this motion, Mr. S. said, he must be permitted to say, it was with real reluctance he was induced to engage in a debate on a subject about which, notwithstanding its apparent importance, the Committee seemed to manifest so great an apathy, and feel so much indifference; and nothing could have induced him to have done so, but the circumstance of his holding a military rank in his own State, and being a member of the committee who had reported the bill then under consideration.

Mr. S. said he had no great pretensions to military science, and prudence on that occasion might admonish him not to speak of war in the presence of *Hannibal.* He was, however, emboldened in the opinions which he should advance, from the views which had been expressed with so much effect by the venerable soldier of the war of your Revolution and of your rights, (Mr. KEYES,) and by what he understood also to be the opinion of another patriot of former days, (Mr. REED, of Maryland,) then in his eye. The principal arguments which had been urged by the gentleman (Mr. CANNON) in favor of the measure, was his hostility to large standing armies, and the expenditures on the navy, forts, and fortifications. He (Mr. S.) would say to the gentleman that he too was opposed to large standing armies. He would have a standing army, but it should be one merely in miniature, yet perfect in all its parts. It so happens, however, said Mr. S., that we have not at present, nor was it even contemplated to have, a large standing army. It had been greatly reduced, and he presumed it would not be again increased, unless there was some manifest necessity for doing so. If we had a large standing army, then the gentleman's fears might be well-founded, and his reasons entitled to greater credit; but, in the language of *Falstaff*, there was much virtue in *if;* and such not being the case, he could not give in to the strength of the arguments urged in support of the measure on this score.

As to the expenditures on the navy, forts, and

fortifications, he, Mr. S., would agree with the gentleman so far as to say, that they should keep pace with the advancement and means of the country; that they should follow and not precede those means. These were, however, in Mr. S.'s view, the only objects on which any thing like permanent preparations could be made in time of peace for a state of war. Mr. S. said, that as he did not wish to detain the Committee, he would proceed to offer the considerations which had brought his mind to the conclusion, that the attempt which was proposed by the bill, to impose upon the militia the discipline of regular troops, would lessen their real efficiency and respectability; and an abstract consideration of the nature and qualities of men would satisfy any inquiring mind that such would be the result. It is proposed by the bill, said Mr. S., by way of disseminating military science among the great body of the militia, to collect the officers of each brigade, from the brigadier general down to the sergeants, at some place, to have them encamped for a period not less than four, nor exceeding six days, and drilled by some officer designated for that purpose. This was the principle of the measure; and, said Mr. S., such a camp service and drill as was thus contemplated was what no man of elevated feelings and sentiments would submit to. They knew its uselessness, and would feel disgusted at being ordered for days at a time, "right and left," by some pet in epaulettes, for whom they would feel no personal respect. There was not to be found in service officers upon whom should be imposed these burdens and duties without some adequate advantage to the country. If their duties, labors, and humiliations, were thus to be increased, it would drive those out of service whom it would be worth retaining. They would consent to undergo the drill that was now practised, but they would not leave their families and homes for days at a time for no purpose. The pay might possibly induce a few to remain in service, its novelty might please for a time, but it would exhaust the Treasury, and add nothing to the efficiency or respectability of the militia. It would then be impracticable, said Mr. S., to carry this scheme into effect, because officers could not be found, capable of receiving and imparting information, who would take upon themselves its onerous burdens and duties for effectuating its object. But supposing, said Mr. S., that he might be mistaken in this opinion, and grant that officers could be found, who would be willing to place themselves as so many machines in the hands of this self-created Steuben, for the purpose of becoming versed in all the minutia of tactical evolutions, and still they could not carry this discipline into the great mass of the militia. How many officers of the late war, said Mr. S., had been induced to accept of militia commissions, entered with spirit and zeal upon the task of regular discipline, but soon found their men not disposed to submit to those kind of restraints which were practised among regular troops; and, though they may have effected much, soon discovered the task a vain and fruitless one. The fact was, said Mr. S., the militia of this country were too free and independent, and he trusted in God they would ever continue so, to submit to that rigor of discipline which was practised in the regular armies, and which might be necessary there to keep up a proper degree of subordination. If, said Mr. S., the situation of the country required these sacrifices—if war threatened their homes—then the militia would be ready to do any thing which the public service might require. In peace, and in a country where every man was equally free, it could not be expected for these things to be effected. It is known to every one that when the militiaman and regular were called to act in concert, the regular felt a pity for him who did not understand that kind of discipline which he knew so perfectly; but the militiaman felt indignant at those restraints and humiliations which were imposed in order to acquire this information. The Emperor of Russia had, to a certain extent, introduced discipline into the great mass of his subjects, but it had been by pushing his authority to its utmost limit; that kind of authority against which Mr. S. protested, and which, he said, the man who would be willing to confide to the hands of any of officers, over the freemen of this country, would be a fit subject for the Autocrat of all the Russias. If, then, said Mr. S., the system proposed should give disciplined officers, which he did not believe, but should fail to introduce that discipline into the great body of the militia, of what service would it be to the nation? Let experience answer. And here he might rely on the facts which had been disclosed by the gentleman from Vermont, who spoke from what he had seen and known. But, asked Mr. S., was not a Braddock and his officers disciplinarians, and yet he had met with a grave, and his troops with defeat. At Lexington, at Bunker's Hill, and at King's Mountain, the militia fought with success; at the latter place their victory was complete. These names had been hallowed in the sacred page of American history; yet here they were commanded by men of equal grade and experience with themselves. The militia are to be relied on, and on proper occasions they are efficient, but their efficiency does not consist in their discipline; it consists in their patriotism, their honor, and impetuous courage; it is this which distinguishes them from regular troops, who were mere mercenaries, (he spoke of the ranks,) and strangers to those noble sentiments which warmed the bosom and nerved the arm of the militiaman in the hour of danger.

The science of military tactics, said Mr. S., was studied by the pusillanimous, as that of medicine was by the sick; they seek the art of avoiding defeat and resisting attack, and not that which was calculated to command and insure success, and the principles of the bill seemed to accommodate itself to that timid kind of policy. It disdained to rely on the natural courage, sense of duty, and love of country, which would always serve the militiaman in the hour of need, but sought to make him subservient to useless restrictions in times of the most profound peace, for no possible

good. It was not to be expected that such things would be endured, because there was no necessity for it; and they would not. Mr. S. said, what had once happened, might possibly happen again; but that we were not to expect that to occur, which a long train of exertions had failed to produce. Every State in the Union had its militia laws, and most of them their own discipline; yet, after a series of legislation for forty years, they were about where they commenced. Every attempt at perfection, like the repairs of an old woman's clock, only tended to make confusion worse confounded. We were not then, said Mr. S., to expect, that our experiments would be more successful than those of the States. They had managed in such a way as to get along, and he thought it was best to let them go on in their own way. But, the gentleman from Tennessee, (Mr. CANNON,) had told us, said Mr. S., that if the nation went on as it had done, encouraging the army, the academy, the navy, forts and fortifications, that she would experience the same fate, which had attended other republics. For his part, Mr. S. said, he entertained no such fears; these were national objects subject to the control of the people's representatives, and from the policy hitherto pursued, he thought there was nothing to fear. Mr. S. said, that he was free to confess that he should entertain much greater fears, if the gentleman should succeed in diffusing the military spirit to the extent which he seemed to desire. If, indeed, the free people of this country should so far catch the military spirit, as to believe the only path to fame and distinction was the military one, then there might be some cause of alarm. He did not wish, therefore, to see their attention diverted from their peaceful pursuits, much less to see them filled with that martial feeling, "the pride, the pomp, and the circumstance of war," which might lead them in quest "of food, of plunder, and of glory." The greatest enemy, said Mr. S., to the mild spirit of social life was the military one. History was false if the assertion was not true. The Prætorian band at Rome, the Janissaries at Constantinople, and the Imperial Guard at Paris, were alike the enemies of liberty and of their country. And though it might be said, that those who had sprung up in the world and established military despotisms, had usually come from the military order, yet it would be found that the nation itself had first been prepared for the sacrifice, by the diffusion of the military spirit, and the pride of martial fame. Seek not, then, to make this nation a military people; lest some extraordinary genius may arise, created by nature, and called into action by fortuitous events, who might aspire to his own elevation on the ruins of his country. Mr. S. acknowledged that he entertained no serious fears of this kind—that they were mere dreams of fancy; yet he considered them of as much weight as any apprehensions from the present or any future standing army, that we were likely to have in this country.

Having thus offered his general objections to the principle of the measure, Mr. S. said he would now notice its expense. There were at present about one million of effective militia, which were divided into two hundred and seventy-five brigades, and in each brigade there were upwards of one hundred and seventy officers proposed to be encamped. The pay proposed to be given, though not adequate to their expenses, would cost upwards of one hundred dollars per day. Thus, the expense for the number of days proposed, would exceed half a million of dollars. Would the Committee authorize such an expenditure on an object both impracticable and useless? There was already directed to be appropriated $200,000 for arming the militia; and when these arms had been procured and distributed amongst the States, they knew not how to dispose of them. They were not generally put into the hands of the militia; and, in some States, where they were, the ramrods were not unfrequently used as a poker, and the arms themselves found an arsenal in a bar-room. Mr. S. said, however, he did not complain of this appropriation, as it was a means of defence intended for a state of war. He said, he would barely mention one section of the bill, which was its last. This section authorized an exemption from militia duty on the payment of five or ten dollars per year. Mr. S. said, this was perfectly in accordance with the main principle of the measure. The duties which it sought to impose upon the officers would drive most of them from commission, and this commutation principle would be accepted by every man who could raise his five dollars; and thus the ranks would be as thin as the officers would be few. But we had been told, said Mr. S. that the Constitution had given to Congress the power of regulating the discipline of the militia, and its powers should be carried into effect. It had indeed given to Congress the power of adopting some uniform system of discipline, which had or ought to be done; that we should also have the numerical strength of the militia, render them obedient to the commands of the Government when called into service; and he doubted the propriety or authority of doing more. He, at least, never would consent to render the militia subservient to martial law in time of peace, and obedient to those "rules and articles of war," which went to abridge their civil rights—which ought not to be done—which they would not submit to, and which he thought the good sense of the Committee would not impose.

Mr. SAUNDERS was followed by—

Mr. CHAMBERS, of Ohio, in support of the bill, who observed that the boldness with which this bill was attacked, induced him to offer his feeble aid in support of the contemplated measure. Yet he had little hopes of exciting, in any degree, the attention of the Committee to the subject, and lamented the very great apathy and indifference which was apparent in the House during the discussion of this bill. Why it should be so, he could not tell. Whether it arose from the character of the House, or of its members, he knew not. To him it appeared a subject of very great importance—a subject which had elicited the attention of successive Chief Magistrates of this nation, and

was particularly recommended to the consideration of Congress by one, whose judgment would not be questioned by any gentleman in this Committee. It was very evident that, for all great national purposes, in case of war, by invasion, or insurrection, the militia must, unquestionably, constitute at all times our main reliance for defence. To him it appeared very extraordinary to discover so great an indifference to a subject, apparently so interesting and important; every argument which could be adduced in support of a standing army in time of peace, would apply with equal force to promote the discipline of the militia of the country. We incur a national expense for the Army proper (excluding ordnance and fortifications) amounting to upwards of $2,326,000 per annum, for the mere purpose of keeping alive a portion of military science, and garrisoning our forts. We vote immense sums for the Army and Navy, without the least hesitation, or much inquiry, as auxiliaries to the national defence. In the Navy Department, we have voted as a contingent fund, a mere contingent fund, the sum of $200,000; which, in the language of the late honorable chairman of the Committee of Ways and Means, when inquired of as to the uses this money was to be applied to, replied, that, so far as he could designate the items, it would be principally for needles and twine. Yet, gentlemen became extremely alarmed at the idea of appropriating $500,000 towards disciplining the militia of the United States. For his part, he would as readily appropriate a portion of the funds of this Government to that object as he would for the Army, the Navy, or fortifications. He was sorry to hear such a description of the militia as had been given by the gentleman from North Carolina, (Mr. SAUNDERS,) who had just resumed his seat, considering that he himself belonged to the corps of militia officers. Mr. C. differed entirely with him in supposing that the republican freemen of this country would consider it degrading to be placed under the command of the officers of their respective brigades; nor would they conceive them mere petty tyrants, wearing epaulettes, &c. If that gentleman would advert to the mode of organizing the militia, and the appointment of the officers, no such conclusions of disrespect, or spirit of disobedience, could be drawn. [Here Mr. SAUNDERS explained.] Mr. C. resumed. From the explanation given, he believed he had understood the gentleman correctly. The reasoning of the gentleman, however, argued too much, and would go to the total annihilation of all discipline. He had no doubt that, when you give the militia a more important character than they now possessed, their pride and emulation would impel them to a perfection in discipline. They needed some stimulus—they required the attention and legislative sanction of the General Government. It has been long wanting. What do you say to the nation, in refusing to pass this bill? You solemnly hold out the distinct idea that the Congress of these United States consider the militia of this country as unworthy of the least legislative consideration. This, sir, will be a damper on the remnant of patriotism, in the breast of the great body of your militia officers. Their duty is onerous and irksome, and still they hold on in many instances, hoping for encouragement. This bill holds out the best inducement to perseverance, and would no doubt stimulate them to the performance of their duties. It is but justice, to pay them for the time they must necessarily lose in acquiring military discipline.

Mr. C. was sorry to find the advocates of this bill but few in number. There were a few, however, in the House, who appeared to feel a particular interest in the measure under consideration. He was himself among those few. He had the honor to be a militia officer, and had attended to all the details of duty. From personal knowledge, a large proportion of the subaltern officers in the country he represented had not a clear annual income to spare of one hundred dollars. Yet these men, to perform their duty in an officer-like manner, and to furnish themselves with uniform, arms, and equipments, must sustain an expense equal to one hundred dollars, besides losing from six to ten days per annum in attendance upon duty, at company and regimental musters, at brigade officer musters, courts of inquiry, and assessment of fines, courts-martial, &c., together with the disadvantage of leaving their homes a distance, and bearing their own expenses. In objecting to the provisions of this bill, gentlemen ought to recollect that they are neither extraordinary or novel; that in many, if not all the States, under the different State authorities, they were now in the practice of a similar system. If the system of militia discipline shall be determined as useless and unworthy of legislative attention, dismiss all your militia officers, and relieve them at once from all further responsibility or duty. For his part, there was no object of a public character that he would more freely appropriate a portion of the public moneys to, than that under consideration. He finally concluded by entreating the serious attention of the House to the subject-matter of the bill, and hoped it would pass.

Mr. CANNON said it was not expected by the committee who reported this bill, that it would pass the House without the most thorough examination. He was well aware that there were some who entertained the opinion that military science, as well as every other science, ought to be confined to a few, and not disseminated throughout the great mass of the people generally. He, however, was not one of that sort of politicians. He entertained opinions altogether of a different character on those subjects. He knew it had heretofore been a very favorite policy of some of those who administer the Government, as well as many members of the House, to confine military science to the Army and Military Academy. This course of policy, he had often objected to on this floor, during the former sessions in which he had been a member. His policy was of a more broad and extensive nature. It was one that afforded all sections of our Union something like an equal participation in the benefits afforded; for, he said, it would not be denied that the money in the Treasury was the common property of the whole

people of the United States. Therefore, whatever appropriations were made for the purpose of teaching military science or any other science, ought (instead of being made in such a way as to benefit a few only) to be applied on some general principle of equality, by which the whole people of the United States would participate equally in the advantages afforded; and this, he said, was the principle sought to be established by the bill under discussion. There is nothing complex or intricate in it. It only requires the sanction of the House, with the appropriation it contained, and it will be carried into effect. The principal objection he had yet heard made against the bill, was the expense to the Government that would be incurred by its adoption; this was really the only objection of any weight he had yet heard urged against the measure. He said the gentleman from North Carolina (Mr. SAUNDERS) had stated that yesterday he had expressed a desire to diminish the expenditures on the Army, Navy, and Military Academy, but he had not then expressed himself so, whatever his sentiments might be in relation to the expenditures on those objects, nor did he place the merits of this bill on that ground or contingency. He had stated to the House the large amount annually expended on those objects, as a means of national defence, which was also the object of this bill. He had contrasted the large amount of about seven millions annually expended on the Army, Navy, Fortifications, and Military Academy, (which could only be considered as the auxiliary means of our national defence,) with this sum of less than half a million for this great object, which was our only safe and sure reliance. And he would now place the merits of the bill on what he considered to be the only true ground on which we could fairly test the system it proposed. It was this, we are making large expenditures annually for national defence. This bill proposes a comparatively small expenditure, though in a different way, for the same object; and the true question is, whether the mode I propose by the bill, is not better, and does not more accord with the principles of our Government, than that which has heretofore been pursued. If it can be shown by the opponents of this measure that our present mode of expending the public money for national defence is better calculated to effect that object than the system contained in the bill, he would give up the question, and agree that the bill ought to be rejected; but, on the contrary, if the expenditure proposed to be made by the bill, is calculated to give us more safety and national power for defence in time of war, he thought it ought to be adopted. This was the fair view he wished taken on the subject. It was the ground on which he was prepared to meet the opponents of the bill; for he entertained the most decided opinion that the expenditure proposed by this system for the discipline of the officers of the militia of the United States would, if made, be found to be the most efficient that ever had been made for national defence.

Mr. C. said he did not pretend to be a military man, like the gentleman from North Carolina, (Mr. SAUNDERS,) or the gentleman from Ohio, (Mr. CHAMBERS.) The question involved political as well as military considerations—whether we are to go on and exhaust our Treasury on the skeleton system of an army and a military academy, for the purpose of keeping up military science in our country for its defence, or shall we adopt a system calculated to disseminate this science throughout our country in the manner he had proposed? The surplus officers of your army, said he, are military sinecures, whose annual expense to the Government, together with that of the Military Academy, amounts to nearly as much as would be the expense of this system, by which nearly or about fifty thousand militia officers would annually be instructed. Between the course pursued by the Government heretofore, and that he had here proposed, he thought, after a full examination and due reflection, none could hesitate. There might, he said, be some faults pointed out in the details of this bill. It could not be expected that any system, so extensive in its operation, would be perfect when first adopted. Experience would, no doubt, point out amendments that would be necessary. He did not approve himself of every part of the details of this bill; but he was so deeply impressed with the importance of the adoption of the principle it contained, that he was willing to surrender his judgment on those points which he considered of but little consequence. His great object was to introduce a system by which the militia officers of the United States would be enabled to obtain, in some small degree, a practical knowledge of military science, and this must be done at the public expense. This part of our citizens are not always the most wealthy, and the entire sacrifice of time, as well as the expense they would be necessarily subjected to, was too much to require of them. Indeed, they were not able to bear it. We were now, and always have been, entirely indebted to this patriotic class of our citizens for the military science, however little it might be, which has been extended to the great body of the people. He believed any system that would enable the officers to obtain a knowledge of military science without subjecting them to expense, or an entire sacrifice of their time, would effect every thing necessary to be done by the General Government.

He said he was sorry to differ in opinion on this subject with the venerable and honorable gentleman from Vermont, who had so much more experience on this as well as every other subject than he himself had. He was also sorry that the gentleman entertained opinions so diametrically opposite to the opinions of the great statesman and soldier under whom, he understood, he has fought during the Revolution, and to whom our country is so much indebted for national independence and civil liberty; and he hoped that, the long lapse of time that had intervened since the gentleman from Vermont had been associated with this great statesman and soldier of our Revolution, he had not ceased to feel great respect for his opinions on this subject, which was deemed by him (WASHING-

TON) to be one of great national importance. And in answer to what the gentleman has advanced in opposition to this measure, he begged leave to read to him and to the Committee a part of the Message of this great statesman to the first session of the fourth Congress, in the year 1795, where he says, "With the view of our Army establish-
' ment, is naturally connected that of the militia.
' It will merit inquiry, what imperfections in the
' existing plan further experience may have un-
' folded. The object is of so much moment, in
' my estimation, as to excite a constant solicitude
' that the consideration of it may be renewed till
' the greatest attainable perfection shall be accom-
' plished. Time is wearing away some of the
' advantages for forwarding the object, while none
' better deserves the persevering attention of the
' public councils." If these opinions, said Mr. C., have no influence on the gentleman from Vermont, I could not have the vanity to suppose that any other arguments in my power to advance would have the slightest effect. They were opinions that had been urged by General Washington on the consideration of Congress throughout his administration, and also subsequently by Mr. Jefferson and Mr. Madison. Yet, notwithstanding the great zeal which they displayed on this subject, nothing has ever been done to carry into effect the provisions of the Constitution in relation to it. Not one single dollar has ever yet been appropriated to provide for the discipline of the militia. Gentlemen would not object to the large appropriations made to the regular Army, Navy, fortifications, and Military Academy, though opposed to this small amount for the discipline of the militia.

The gentleman from North Carolina has told us that the officers are too proud to submit to be disciplined in the manner provided by this bill; but, sir, said he, if I am not mistaken, they are now in the constant practice of being drilled, in many of the States in this Union, where they encounter the expense as well as loss of time, without any compensation whatever. The regulations of the States in this respect are similar in their character to those contained in this bill; and the rules for the government of the Army are the rules which also govern the militia throughout the Union. But, sir, said he, the gentleman is mistaken when he supposes this system will be objected to by the officers of the militia. It is calculated to place them on still higher ground; to pay them a small compensation for the time employed in gaining this practical knowledge of all the duties of the camp and the field, will make those appointments in the militia more desirable. It will enable them to be better qualified for the discharge of all their important duties, consequently will command respect, and give them an elevation of character heretofore unknown among the people of our country.

How, he asked, can it be said, that the adoption of this system will impoverish the treasury? Seven millions were now appropriated for national defence, when the application of the sum of less than half a million, in the manner provided by this system, would produce more effect, in the time of war, than double the amount expended on the Army, fortifications and Military Academy. Nor are the officers of the militia, when encamped agreeably to the provisions of the bill, to be drilled by any self-created Steuben, as stated by the gentleman from North Carolina. This bill contains no such provisions. They are to be drilled and instructed in camp duty, military discipline, and field exercise, by the brigade major, or such persons as may be appointed by the Legislatures of the respective States, who, we may fairly presume, at least, will select the most enlightened men in military science for that purpose. If the gentleman will examine more attentively the provisions of the bill, he will find his fears on that point entirely groundless. He has, however, said, that discipline would be productive of no good among the militia. Such, also, was the amount so far as he could understand it, of the doctrine of the gentleman from Vermont, (Mr. KEYES.) Mr. C. said, he would not enter into any argument whatever, in answer to such opinions; for the experience of the whole world would prove the contrary; and he believed it was as important to teach military science to the officers of the militia, as it was to teach it to the regular Army or the Military Academy; and, for his part, he would be willing to expend a million annually to accomplish so great an object, in preference to making such large expenditures in the manner we have heretofore done. He said it was true, that all the efforts that had heretofore been made to improve the militia had been unavailing; that the object has never yet been accomplished, and, he thought, the reason must be obvious to every one. Not one dollar had been applied to that purpose. We all know that this substantial means of our national defence has been heretofore neglected by Congress. Had their attention been drawn to it with the same degree of interest that has been manifested for the regular Army, Military Academy, and fortifications, great improvement might have been made, and with much less expenditure of the public money than that made on those objects; while, at the same time, the power and capacity of the nation, for defence, would have been greatly increased, and the objects held in view by the enlightened and patriotic framers of our Constitution, would have been carried into effect. But, sir, what are the arguments we have heard against this bill? They amount simply to this: Open your treasury to your Army, to your Navy, to your fortifications, and to your Military Academy, but don't expend one dollar to improve the militia. This has been our course of legislation. And, sir, is this to become the settled policy of this country? Is the public attention to be entirely drawn to these objects on which we are exhausting our treasure, as the surest and safest means for the defence of a free people?

Sir, while such doctrines are held by men in power, and continually aided by such vast expenditures of the public money, who can tell what is to be the ultimate consequences? He hoped the people were not yet prepared for the adoption

of the principles that such a course was calculated to establish. Time, however, aided by the powerful influences he had alluded to, he feared, might make a change in the political character of our country; for such, we know, has been the effect of a similar course in other countries; and to guard against this silent, gradual, though certain course of influence on the principles of our Government, was one of the great objects contemplated by the measure he had proposed. It was not in the smallest degree calculated to interrupt the peaceful pursuits of the citizens, as had been urged by the gentleman from North Carolina. There was no provision contained in this bill of any such character. The gentleman's fears on that point are also groundless. It has been urged, as an argument against this bill, that the States have adopted measures to improve their militia. This he considered rather an argument in favor of the measure, though he believed no State in the Union had gone so far as to pay the officers any thing for the time they devoted to the acquisition of this science; and without some compensation, not much improvement could be expected. The most of the officers were not able to afford such sacrifice, in justice to themselves and their families; and, although this is a new system, he could not see any good reason why gentlemen should seem to be so much alarmed at its introduction. For his part, he said, he believed if it should be passed into a law, the effect would be to prevent, forever, either in peace or in war, the necessity of a large regular army, the evils of which have been felt in a more or less degree by every Government in the world.

But, Mr. Chairman, said he, the gentleman from North Carolina tells us there is no danger of such effects from a regular army in this country. Sir, I am as little under the impulse of present fear, from that source, as he is. Its influence is silent and gradual; and this doctrine of no danger, is the doctrine that has been preached to the people of other countries to lull them to sleep, while this gradually increasing power was rapidly gaining the ascendency; and, in the end, destroyed their liberty. It becomes the people of the United States, therefore, to look out in time, and guard against the slightest advances towards such principles. Let us adopt a system that will give expansion to military science over our whole country. It is much more in accordance with the principles of our Government, than that of confining it to a few, as contended for by the opponents of this measure. The gentleman from North Carolina is also opposed to arming the militia. He thinks they cannot be trusted with the weapons necessary for the defence of their liberty; that they would make pokers of the ramrods, and barter away their muskets for a drink of grog. Sir, I will not admit that the people of this country are so lost to a sense of the duty they owe to themselves and their country; they are not yet brought to that point of degradation; nor is any freeman in this country so depraved as to throw away his weapons of liberty, or barter them away, when furnished him by his Government, in a grog shop. [Mr. SAUNDERS explained.] Mr. CANNON said he was glad the gentleman had not meant to apply his remarks, on this point, to his own State, however he may have intended them for the people of other States, as little deserving such reflections as that of his own; but he said he had confidence in the virtue, intelligence, and patriotism of the people of our country, and was much more willing to trust them with the arms necessary for its defence, than he was to trust them in the hands of the regular Army. Indeed, he felt no fears on the score of arming our citizens, and believed the arms would be perfectly safe in their hands, though it was no part of the provisions of the bill under discussion.

When an appropriation is asked for to make a road, or to repair a road, what have we heard? Why, sir, said he, we are told it is a great national object; that its tendency is to bind together the different States. This is the language and the doctrine I have often heard in this House, when the subject of making a road, in any section of the Union, was under discussion. But, sir, if you will appropriate your money among the different States for the purpose of diffusing military science for national defence throughout the whole Union, on the great principles of equality contained in this bill, you will form a stronger cement to the Union, and do more to bind the States together than you have done, or can do, by all your expenditures of money in making roads, and I think it is the safest, as well as the cheapest mode of providing for the national defence.

Sir, after all the expenditures that have been made, or can be made, on a regular army, navy, fortifications, and Military Academy, they are not to be relied on as the main stay to the Union—they are the broken staff of this country, that will fail us whenever it shall be made the chief reliance in the hour of danger. Mr. C. said, he was anxious to see the adoption of this measure, because it was calculated to put down forever the growth of a regular army, which had been the poisonous bane of every republican Government on earth. He thought we owed something as a duty to the young independent nations that are springing into existence around us, and endeavoring, in the formation of their systems, to imitate our example; we also owed it, in a still greater degree, to ourselves. If we go on in the habitual course of exhausting the whole of our money on an army and military academy, and entirely neglect the improvement of a militia, the tendency must be to fix and confirm, ultimately, a reliance on such means of defence. Sir, said he, this country cannot be defended by a regular army; even if you could maintain one to the extent of one hundred thousand. Our territory is too extensive; they must be scattered around its borders in small numbers, and could not be brought to an invaded point with sufficient facility and despatch, and in sufficient force to repel any formidable invasion. I have said, on former occasions, that the strength of this country is not to be seen in our army, navy, and fortifications. No, sir; it consists in the strength of the attachment of the people to the Government, in a far greater degree; and how

much more imposing would be the aspect of our country, to every foreign Power, when, instead of a system of defence, by regular armies and fortifications, we shall present to them our great bulwark of liberty, our Constitutional defence, a million of freemen, armed, and officers commanding them, skilled in the discipline of the camp and the field, ready and willing to defend against foreign invasion, or insurrection, any and every part of our Union? In this system there is great national power and safety. It is the true foundation on which we may rest in the most perfect security, and is calculated to preserve and maintain, forever, the principles of freedom and republican liberty; while, if we neglect it, the effect must be, to pursue a contrary course of policy, not designed by the authors of our Government, which may, in the end, terminate in the same evils and mischiefs that have, from similar causes, befallen the people of other countries.

Mr. Keyes rose, and said, Mr. Chairman, it will be expected undoubtedly for me to make some apology for the time I shall take up, in answering the gentleman from Tennessee. True, as he says, I was bred under the greatest Captain in the world, and true it is I was one of his soldiers. Sir, the militia of the United States are not so ignorant of military discipline as he seems to think; for I well know that the militia in New England understand forming and displaying column as well as any troops whatever; but I do not consider the instructing militia in the field exercise to be of much use.

General Washington, during the Revolution, received great support from the militia; and he recommended that the States should discipline their militia, and it is already done; and so I said, Mr. Chairman, when I had the honor to speak on the subject yesterday; and I feel very grateful to the Committee for the attention paid to me. I hope they will indulge me now, and I will not detain them long.

Sir, said Mr. K., the militia have always considered training and reviewing twice a year as a common tax upon life, and have never complained. The militia, with a few firelocks, (merely fowling-pieces, and those very rusty,) have beaten the regular soldiers of England with all their discipline; and why, Mr. Chairman, would you expend five or six hundred thousand dollars to learn them camp and field duty? This knowledge serves only to destroy them; for, as soon as they get so wise as to keep in close column, they do nothing. All they want is to learn how to load, prime, take aim, and fire, when they have a good opportunity. This they always know very well. I said yesterday we had beaten the British in two wars, and that neither the British, nor any other Power of Europe, would be likely to attack us again. I said nothing about fortifications nor the Navy; but we find by the conduct of the pirates we have use for the Navy, a part of which is now about to go against these rascals. The gentleman from Tennessee says that he is willing to give a million of dollars a year to discipline the militia. What do you think of that, Mr. Chairman? And how do you like it, sir? I think this would be throwing money away fast. If your Treasury is full, pay your debts, and not pay interest money—I mean your national debts.

This bill provides that the militia officers, from a brigadier general down to a sergeant major, shall be called into camp once a year, and that they there shall stay four days at least—six if they please. Mr. Chairman, I ask how much would they learn in that time, and what good would their meeting do? It would take them six days to get acquainted with each other. Sir, what does Congress do the first six days after they meet? They only get acquainted with one another, and conclude what is best to be done.

If you have money to spare, Mr. Chairman, replace on the pension roll your old Revolutionary soldiers, whom you have dropped off of said roll—such of them, at least, as are now suffering for want of help. It was these brave men who fought your battles, and who have made you what you are. If it had not been for their bravery, you would not have had a Congress now sitting in this splendid House. No, Mr. Chairman. Had they not defended our country, we should now be in slavery, and paying tribute to Old England; and further, when they chose, they would take any of us, and transport us to Old England for trial for supposed crimes; and they also would have tax-gatherers amongst us, and tax us at will and pleasure. And if this had been our case, we should not have had money to purchase so much land of the French, the Spaniards, and the Indian chiefs.

Mr. Dwight, though approving its general principles, was opposed to the bill in detail.

Mr. Williamson warmly advocated the bill.

Mr. Woodcock spoke against it; and

Mr. Floyd also opposed it.

Mr. Dwight, from impressions of respect for the principle of the bill, and believing that in some other shape it would be more agreeable to the House, moved that the Committee rise and report progress; which was agreed to.

Mr. Woodcock then moved that the bill be laid on the table; which was also agreed to.

Monday, January 13.

Mr. Nelson, of Virginia, presented two petitions from sundry inhabitants of the counties of Washington and Alexandria, in the District of Columbia, stating that serious inconvenience and injustice frequently arise to the inhabitants of the District, by the removal of debtors, against whom suits have been commenced, and before judgment, out of the District, into one of the neighboring States; where proceedings must, of necessity, be commenced *de novo*; and praying that a law be passed, authorizing executions upon all judgments which have been, or may be rendered, by the courts of this District, to be directed to the marshal of any State or Territory, where the party or his property may be found, as in case of debts due the United States; which petitions were referred to the Committee on the Judiciary.

Mr. Wright presented a petition of James

Smith, late vaccine agent, praying the aid of the Government in extending the limits of his vaccine institution to the citizens of the United States generally; which petition was referred to a select committee, consisting of Messrs. WRIGHT, FLOYD, HALL, WHIPPLE, and BATEMAN.

Mr. HAMILTON presented a petition of Sarah Perry, of the State of Rhode Island, setting forth that she is the mother of the late Commodore Oliver Hazard Perry, and of the late Lieutenant James Alexander Perry, of the Navy of the United States, both of whom, after honorably and successfully fighting the battles of their country, perished in its service; that she derived her support solely from the gratuitous assistance of her brave and lamented offspring; that she is now old, borne down with sorrow and poverty, and without the means of support, and praying that she may be placed upon the navy pension list.—Referred to the Committee on Naval Affairs.

Mr. HERNANDEZ presented a petition of sundry inhabitants of East Florida, praying that the assent of Congress may be withheld from the acts of the Legislative Council of Florida, as far as they relate to taxes or county courts.

Mr. HERNANDEZ presented a memorial of the Mayor and Aldermen of the city of St. Augustine, in East Florida, praying that their claim to a tract of land, to be used as a common by the inhabitants of said city, may be allowed and confirmed.

The said petition and memorial were referred to the Committee on the Judiciary.

Mr. WALWORTH, of New York, rose and said it had become his unpleasant duty to inform the House, and particularly his worthy friend from Kentucky, who a few days since moved a resolution on the subject, (to whom Mr. W. took this opportunity to tender the thanks of the friends of the deceased,) that it was no longer in their power to render a tribute of gratitude to the memory of the gallant Allen, by providing for the necessities of his bereaved mother. Mrs. Allen's health, said Mr. W., had long been impaired, and she was unable to sustain the shock, produced by the sudden and tragical death of her brave son, who was the hope of her old age, and on whose filial piety she depended for the support of her declining years. Her heart, said Mr. W., has been broken, by this cruel and unexpected stroke of adversity, and her spirit has taken its departure to meet its kindred spirit in another and a better world. But, said Mr. W., although we have thus been deprived of the power of making provision for the support of the mother, whose welfare occupied his latest thoughts, there is one still left, who has a right to our protecting care. And, said Mr. W., I hope and trust the sister, whose desolate situation gave an additional pang to the heart of the dying hero; that she, who has thus been deprived, not only of the support of a kind and worthy brother, but also of the guardian care of a pious and affectionate parent; that she, who has now a double claim to our protection and to our sympathy, may receive that bounty which Congress intended to bestow upon the mother, who is now removed beyond the reach of a nation's gratitude. Mr. W. concluded by moving a recommitment of the bill, for the relief of the mother and sister of Lieutenant Allen, to the Naval Committee, that it might receive such amendments as present circumstances had rendered necessary.

And the question being taken thereon, the motion was agreed to.

Mr. FRANCIS JOHNSON, from the Committee on the Post Office and Post Roads, reported a bill to authorize the Postmaster General to pay for certain repairs to the General Post Office, and to keep the engine house, the fire engine, and apparatus, in repair; which was read twice, and committed to a Committee of the Whole to-morrow.

Mr. FULLER, from the Committee on Naval Affairs, who were instructed to inquire into the expediency of making provision for the widow and child of Lieutenant George Pearce, late of the United States Navy, made a report thereon, which was read, and the resolution therein submitted was concurred in by the House as follows:

Resolved, That the Committee on Naval Affairs be discharged from the further consideration of the resolution of the 16th of December last, in relation to the provision for the widow and child of Lieutenant George Pearce, deceased, and that the same be referred to the Commissioners of the Navy Pension Fund.

Mr. FULLER, from the same committee, to whom was referred the petition of Penelope Denny, the mother of James Denny, late a gunner in the Navy; as also, a resolution of the 8th instant on her behalf, made a report, accompanied by a bill for her relief; which bill was read twice, and committed to the Committee of the Whole to which is committed the bill for the relief of the mother and sister of Lieutenant William H. Allen, deceased.

On motion of Mr. FULLER, the Naval Committee was discharged from the further consideration of two letters from the Secretary of the Treasury, relative to moneys drawn from the Treasury, on account of the naval service, for the year ending on the 30th June, 1822; and of the expenditure of the moneys appropriated for the contingent expenses of the Navy, for the year ending on the 30th September, 1822; and they were ordered to lie on the table.

Mr. JOHN SPEED SMITH, from the committee to which was recommitted the bill to abolish imprisonment for debt, reported a new bill of the same title; which bill was read twice, and committed to a Committee of the Whole on the state of the Union.

Mr. WILLIAMS, of North Carolina, from the Committee of Claims, made an unfavorable report on the petition of sundry merchants of Baltimore, for further compensation for damages sustained by vessels sunk in the entrance of the harbor of that city; which was read, and ordered to lie on the table.

Mr. WILLIAMS, from the same committee, also made a report on the petition of Richard Henry Wilde, representative of James Wilde, deceased, accompanied by a bill for the relief of the rep-

resentative of James Wilde, deceased; which bill was read twice, and committed to a Committee of the whole House to-morrow.

The Committee on the Judiciary were discharged from the further consideration of the petition of Abraham Snyder, and it was referred to the Secretary of the Treasury.

On motion of Mr. JOHNSTON, of Louisiana, the Committee on the Judiciary were instructed to inquire into the expediency of establishing a district court of the United States in the western district of Louisiana.

On motion of Mr. JOHNSTON, of Louisiana, the Committee on Public Lands were instructed to inquire into the expediency of establishing a separate Surveyor General's district in the State of Louisiana.

On motion of Mr. ROCHESTER, a select committee was appointed to inquire into the expediency of continuing in force, for a further term, so much of the act, entitled "An act regulating the currency, within the United States, of the gold coins of Great Britain, France, Portugal, and Spain, and the crowns of France and five franc pieces, passed on the 29th day of April, 1816, as relates to the crowns of France and five franc pieces, with leave to report by bill or otherwise; and Mr. ROCHESTER, Mr. TOMLINSON, and Mr. ALEXANDER SMYTH, were appointed the said committee.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, enclosing a report, with sundry statements, in relation to the loan of one hundred thousand dollars, made to Scott, Thornton, and White, formerly Commissioners of the City of Washington, furnished in obedience to a resolution of this House, of the 7th inst.; which were referred to the committee appointed to make certain inquiries in relation to the disposal of the public lots within the said city.

The SPEAKER laid before the House a letter from the Secretary of the Navy, accompanied by an exhibit, showing the number of officers of each different grade necessary to command, in actual service, the vessels now on the stocks and building, and communicating further information in relation to the objects of inquiry embraced by the resolution adopted on the 30th ultimo; which letter, &c., were referred to the Committee on Naval Affairs.

The Committee of the whole House to which is committed the bill in addition to the act, entitled "An act for the prompt settlement of public accounts," and for the punishment of the crime of perjury, were discharged from the consideration thereof, and the bill was ordered to lie on the table.

LAND OFFICE CLERKS.

Mr. STERLING, of New York, submitted for consideration the following resolve:

Resolved, That the Committee on the Judiciary be instructed to inquire whether any, and if any, what, further provision by law is necessary to prevent or limit the allowance of clerk-hire in the several Land Offices, and to reduce the incidental expenses attached to the same.

Mr. COCKE having inquired the object of this resolution—

Mr. STERLING said, he owed, perhaps, an explanation to the House of the reasons which had induced him to offer this resolution; because, on the face of it, many gentlemen, acquainted with the laws establishing the compensation of the land officers might suppose the proposed inquiry to be superfluous. Mr. S. said he had particularly examined this subject, and he had taken some pains to satisfy himself that the inquiry is not only not superfluous, but absolutely necessary. The law appears to be plain; but there had been either a misconstruction of the law, or a departure from it. It might be recollected, Mr. S. said, that at the last session he had called upon the proper department for information as to the expenses of the land offices. From this information it appeared that their expenses had transcended what was correct, and what he believed to be authorized by the laws of the country. The report, however, was general, and he thought it necessary to know more particularly the nature of the expenses which he deemed illegal. He therefore called for the items of expenditure in several of the offices. Upon examining the report in answer to this call, Mr. S. said, he had discovered, to his entire satisfaction, that many of the items of the expenses in the land offices were contrary to law; that, of the contingent expenditures, many particulars were entirely unauthorized. He had investigated this matter with a view to discover how these errors crept in. He was satisfied that they had arisen in part from a misunderstanding or misconstruction, of the law. The sum of four hundred and fifty-six dollars had been charged in one of the offices for posting the books of one of the receivers. He found no law to justify this expenditure; and he could see no reason why a large compensation should be given to this officer, and afterwards his successor or a clerk should be paid for posting the books, which is as much the duty of the officer himself as any other part of his duties. Several items for clerk-hire—one of $1,500 and another of $1,076 82, for rent and clerk-hire, had been reported by the Secretary of the Treasury, among the contingent expenses of these offices. The law establishing the compensation of Registers and Receivers, Mr. S. said, was clear and explicit. It provides that "instead of the compensation now allowed 'by law to the Receivers of Public Moneys for 'lands of the United States, they shall receive an 'annual salary of five hundred dollars each, and 'a commission of one per centum on the moneys 'received, as a compensation for clerk-hire, re-'ceiving, safe-keeping, and transmitting, such 'moneys to the Treasury of the United States; 'provided that the whole amount which any Re-'ceiver of Public Moneys shall receive, under the 'provisions of this act, shall not exceed, for any 'one year, the sum of three thousand dollars." How then the expenditures to which he had referred, could have been allowed or reported as among the expenses incident to these land offices, had struck him with great surprise until he found that the law had been misunderstood. To show

how it had been misunderstood, Mr. S. said he would read an extract from a letter of the Secretary of the Treasury to John Brahan, one of the Receivers, which is as follows:

"The construction which I shall give to the 'act fixing the compensation of Receivers and 'Registers of the different land offices will enable 'them to pay clerk-hire, to a reasonable amount, 'in proportion to the service rendered, where 'the commission of one per cent. shall exceed 'the maximum of their compensation fixed by 'law.

"It is, however, intended to keep the expendi-'ture of clerk-hire under the control of the Trea-'sury, in order to prevent extravagance."

Such a construction of the act of 1818, as is contained in this extract, Mr. S. conceived to be wholly unwarranted by the terms of that act. To prevent extravagance, the Secretary says he will keep the expenditure for clerk-hire under the control of the Department. Now, Mr. S. said, he conceived that the clerk-hire is under the control of this House; that it is fixed by law, and that no Secretary has a right to pay out any money from the Treasury, for clerk-hire or otherwise, without authority from Congress. In case the allowance of one per cent. shall exceed the maximum allowed by law, the Secretary says he will allow clerk-hire to a reasonable amount. But what says the law on the subject? Why, that in lieu of clerk-hire one per cent. on the amount received shall be allowed, and that there shall not be received by any receiver, as a compensation for clerk-hire in one year, more than three thousand dollars. The law, therefore, had been misunderstood or departed from, and in either case it was high time that the subject should be referred to the proper committee, to see whether or not the law needs alteration or explanation. In the case of the registers of the land offices, the question was more doubtful. In that section of the law which relates to them, though otherwise following the preceding section respecting the receivers, the words "for compensation for clerk-hire" are not contained. He believed, nevertheless, that it was the intention of the makers of the law to give precisely the same compensation to both these officers.

Mr. S. said he was disposed to put a stop, as far as possible, to all these incidental expenditures. He believed that the incidental and contingent expenditures were the curse of this Government, not only in the land offices, but in every other department where they were permitted. His object in moving the present resolution was, that the proper construction may be put upon the law, and the proper practice introduced.

On motion of Mr. CANNON, the resolve was so modified as to refer the subject to the Committee on the Public Lands, instead of the Judiciary Committee.

Mr. COOK moved to amend the resolution by adding to the end of it the words, "and what measures are necessary better to equalize the compensation of the registers and receivers of the public land offices."—Agreed to.

Mr. SLOANE did not rise to oppose the motion, but to suggest that, by turning their attention to the documents of the last session, alluded to by the gentleman from New York, it would be seen that the items of accounts to which he had referred were not items settled at the Treasury, but presented for settlement. Mr. S. said he was authorized to state that no clerk-hire had been allowed to the receivers or registers, except in one case to the amount of fifteen hundred dollars. In that case, the officer had been removed for improper conduct in office. His books were in arrear, and, it being necessary that they should be brought up, persons were employed for that purpose, who were paid for the service, and the securities of the removed officer had been sued for the expense thus necessarily incurred. It was impossible for the Treasury Department to prevent claims being preferred, and it was equally impracticable to avoid some contingent expense, such as that of the criers at the sales, stationery, blank forms, &c., which must either be paid for on the spot, or furnished from the Seat of Government to the several officers.

Mr. EDWARDS, of North Carolina, said it seemed, from the statements which had been made to the House, there was some difference of opinion between the gentlemen from New York and Ohio as to the fact of the allowance of clerk hire, &c. If the gentleman from New York was correct, these allowances had been improperly made; if the gentleman from Ohio was correct, then the gentleman from New York was wrong. He suggested to the gentleman from New York, whether he ought not to call on the Secretary of the Treasury for a full statement of the facts on the subject, before referring it to a committee.

Mr. STERLING said, he did call upon the Secretary of the Treasury, at the last session, for precisely such a statement, and the report was received, to which he had referred for the facts which he had stated. If they were charges simply, how could the items in question have been reported as incidental expenditures? But, Mr. S. said, he had a satisfactory reply to the gentleman from the State of Ohio, in addition to the evidence derived from the terms of the report, which was an extract of a letter from the Secretary of the Treasury to one of these very receivers, showing that he considered himself authorized to allow such charges. These charges being reported among the contingent expenditures of the land offices, the presumption was that they were paid. That a wrong construction of the law had taken place, Mr. S. said, was evident, because here was the letter of the Secretary, expressly stating the fact of the construction which he had put upon it. And when we have from that very officer the fact, that among the contingent expenditures, at one of the offices, was the sum of $1,500 for clerk hire, for three-quarters of the year, how could the fact be doubted that the charge had been allowed at the Treasury Department?

The resolve was then agreed to, without opposition.

OCCUPATION OF COLUMBIA RIVER.

The House then took up the bill making provision for the occupation of the mouth of Columbia river; when Mr. COLDEN proposed to amend the bill, by striking out the words "and required," in the first section, and inserting, in lieu thereof, the words "when, in the opinion of the President, it may be consistent with the public interest." In support of this amendment, and on the general merits of the bill, Mr. C. delivered his sentiments at considerable length. They are as follows:

Mr. C. said, the course which has been pursued in relation to the bill now under consideration, has accidentally manifested the disposition of the House towards it, and shown its friends that, in its present form at least, they will be in a small minority. There is the more reason why those who intend to give it their support should offer their reasons for voting in its favor. I shall ask the indulgence of the House for a short time, while I submit the views I take of the subject.

I shall, sir, before I resume my seat, offer an amendment, the effect of which will be to refer the execution of the provisions of the bill to the discretion of the Executive. I will not attempt, sir, to show the importance of the contemplated establishment to our commerce in the Pacific ocean. I could add nothing to what has been said on this part of the subject by the honorable mover of the bill, and by the honorable member from Massachusetts. But to show the great value of the oil and ocean fur trade of the South and North Pacific, let me communicate to the Committee the history of some adventures which accidentally came to my personal knowledge. They are transactions of some ten or fifteen years ago; I cannot be accurate as to dates or sums, but I shall take great care not to exaggerate either.

A citizen of New York, who was, by profession, a mariner—(I may name him, for I shall say nothing that is not honorable to him and to his country)—a Captain Fanning, associated with some twelve or twenty other persons, determined to engage in an expedition to search for islands in the South Seas, where they had heard seals abounded. They purchased a ship, called the Catharine, the cost of which could not have been above $15,000. The parties were to be sharers in proportion to their respective contributions. The resources of some were so limited that they could not advance money for the necessary supplies. One furnished cordage, another sail-cloth, another iron, another provisions, most of which were obtained on credit. Part of the outfit, I well recollect, was some casks of wine, furnished by one of the parties because he had it in his power to obtain a credit for that article, when he could not for those more suited to the expedition. Another part of the equipment was a forge. Many of the hands were artisans. The vessel left the port of New York in the Summer. She was then inadequately rigged, but while in her progress her sails and rigging were completed; and, by means of the forge, the tools and instruments by which they were to execute their plan when they arrived at their destination, were manufactured on board the vessel. The whole outfit, independent of the vessel, I verily believe, did not cost five thousand dollars.

After traversing the ocean for a length of time, in high and unfrequented latitudes, and after encountering great hardships, they found the barren and desert island of which they were in search. They soon obtained a cargo of seal skins, with which they proceeded to Canton, leaving a part of their crew on the island, with no other supplies than some few barrels of provisions, and some two or three casks of the wine I have before mentioned. As to the rest, the reliance for subsistence was on the seal's flesh. In China, the skins were sold to great profit, and the Catharine returned to New York with a cargo of not less, I am certain, than one hundred thousand dollars; and I believe I should be within bounds if I were to say a great deal more. Another vessel was despatched for the party left on the island, who, it was found, had provided a second ample cargo, which again was carried to China; and with the proceeds another East India cargo, of great value, was procured and brought to New York. This trade continued and augmented, till it employed many vessels, and its profits were so large, that they formed the capitals of several mercantile houses, which were considered among the opulent of the city. It is true, they have all, I believe, shared the fate of many who have been ruined by the vicissitudes of past times.

It is curious to trace what was the usual course of this commerce. The teas and other Indian goods were generally sent to Amsterdam, Hamburg, Bremen, and other places in the north of Europe, where they were sold at enormous profits. The proceeds were remitted to England, for which the adventurers sold bills in New York, which were purchased by British agents, who advanced for them the precious metals, in money brought to our continent from South America, as the price of English manufactures sent to that country. Sir, I have related the circumstances of these adventures, not only for the purpose of exhibiting the value and importance of the trade in the South Seas, but I have been anxious to avail myself of the opportunity of showing, by this relation, how fallacious are the calculations of those who estimate the prosperity of our country by the custom-house account of our exports and imports. In the instances I have mentioned, it is probable the vessels carried little or nothing which was entered to the credit of our exports; whereas, their return cargoes swelled the amount of our imports, many hundreds of thousands of dollars. Finally, the value of these cargoes in a foreign market, were realized in our own country, and a sum equal to their worth actually added to our stock of specie. Every day, the consequences of the China trade are deprecated. It is accused of robbing us of our coin; but it is easy to see, that, for every dollar taken from us, to be laid out in India, many may be returned. The goods purchased in Asia, are sold in Europe, with the additional value they will acquire from our enterprise, industry, mer-

cantile knowledge, skill in naval architecture, and navigation. These are part of the riches of our country, and it is with these that we pay, in part, at least, for the merchandise we import. It seems to me utterly fallacious, to say that we can give nothing for the goods which come to us from abroad but the produce we export. If this were so, inasmuch as our imports have ever been so much greater than our exports, we must, indeed, long since, have been bankrupts; and yet, is it not certain that, in spite of all predictions, and notwithstanding some local and temporary embarrassments, the nation has been uniformly and rapidly increasing in wealth and prosperity?

I acknowledge, sir, that I have suffered myself to digress from the direct object of my arguments, which is to show the value of that trade which has relation to the contemplated establishment on the Columbia. I shall say no more to this point—but ask the Committee to turn their attention to the importance of the trade which is, even now, carried on with the post itself. I find, sir, in the Treasury documents submitted to us last year, (we have as yet had no similar report from that Department this session,) a statement of the trade to the Northwest coast. I presume this must mean to the country near the Columbia; because, sir, I believe, that, from Port San Francisco, which is in 38°, to the Russian possessions, to the north, which are forbidden ground, there is no other post that is frequented by our vessels. Indeed, sir, we do not know that there is any post capable of receiving them. For all this space of the western shores of our territory is perfectly unknown to us, and is as much *terra incognita* as the wilds of Africa. Supposing, then, that the Northwest coast, in the Treasury Report, means the country circumjacent to the Columbia river, it appears that, in the year 1821, seventeen vessels sailed from the United States, for that post. These were of more than four thousand tons, were navigated by about three hundred hands, carrying foreign and domestic produce to the value of nearly four hundred thousand dollars. Let us ask, sir, for whom is this great amount of merchandise intended? It cannot all be for the savages who inhabit that coast; a great part must be for the supply of the British merchants who established themselves there when the post was taken from us, during the last war—a branch of the great United English Fur Company, which is now carrying on a valuable land fur trade. To show of what importance the post and harbor at the mouth of the Columbia must be to this trade, we have only to look at the vast water communications that are afforded by the Columbia and Clarke's rivers, to the north, the Snake river to the south, and to the manner in which that whole northern region is intersected by lakes and rivers. From the lake Winnipeg, which is in the heart of the Hudson Bay Territory, to the Missouri, there is a navigable water communication, with the expense, only, of a portage of about one mile.

But it is not alone with reference to any existing trade that we must consider the importance of the position to which the bill relates. We must take into consideration a trade which, at no distant day, must grow out of the great improvements we have made, and are daily making, in the means of communication and transportation. Sir, I do verily believe, that, in twenty years, and if not in twenty, in fifty years, a person setting out from London to go to India, will find New York, Albany, and Sandusky, post towns on his route. By pursuing, continually, nearly a west course, he will cross the Atlantic, reach Albany, follow the New York canal, embark on Lake Erie, pass through the Ohio canal, and pursue the Ohio, Mississippi, and Missouri, to the foot of the Rocky mountains, over which he will traverse a turnpike of only seventy-five miles, which will bring him to the waters of the Columbia; upon these he will reach the Pacific, and from thence he will cross a ferry to the Asiatic continent—a ferry of some two or three thousand miles, I admit, but one which, in reference to steamboat navigation, for which those seas are particularly adapted, would be no more than so many hundred miles would have been some few years since. By pursuing this course, the traveller will have but 120 degrees of longitude to traverse. Whereas, if he proceeded east from London, he could not reach the eastern coast of Asia without traversing 240 degrees of longitude; and, if he pursued the usual route, by doubling either of the capes, to the difference of longitude must be added the degrees of latitude he must necessarily twice pass over. Is it not reasonable then to suppose that, at some period, not very remote, the eastern trade may be pursued in the course I have designated? And will not the measure, which is contemplated by the bill, accelerate the arrival of that period? Sir, I am aware that, by many, these will be considered as extravagant and visionary ideas. But, let me ask, are they more extravagant than it would have been, only ten years ago, to have predicted that the waters of the great lakes would be emptied into the Atlantic at New York; that the course of the Hudson would be turned, and part of her waters sent to seek the ocean through the Gulf of St. Lawrence; that, by artificial means, this great continent would be divided into islands, the borders of which are more extensive than all the shores of Europe, and these islands infinitely better adapted to navigation and commerce than if they were surrounded by oceans?

It cannot be denied that the distance between the Seat of Government and the mouth of the Columbia is very great. But, in reference to the facility of communication between two places, the distance must not be estimated by miles, but should be computed by the time required to pass from the one place to the other. If steamboats were established in all the waters between this and the mouth of the Columbia, capable of steamboat navigation, the journey might be made, I do not doubt, in less time, and with greater ease, than the Representative from Missouri, now on this floor, could have come, (unless by sea,) from his State to this city, only ten years ago. The limits heretofore prescribed by the opinions of statesmen, as the necessary boundary of united empire or

dominion, must be extended upon a scale proportioned to the astonishing improvements of the present times, in the means of communication and of transportation.

It seems to be thought, Mr. Chairman, that whatever may be the advantages in reference to our present condition or to our prospects, we ought not to occupy this part of our territory, for fear it should bring us in collision with some European nation. But what grounds can there be for these apprehensions? The only nations on earth who have ever made any claims to these regions are Spain, Russia, and England. Spain never had any pretensions other than were comprised by her province of Louisiana. This, she contended, extended as far north, I think, as sixty. At any rate, whatever her claims were, beyond the latitude of forty-two, they were transferred to us by the Treaty of Paris. Russia has, of her own accord, and entirely to her own satisfaction, settled a boundary between us. And, however amusing the process may be by which she has come to the conclusion that we ought also to be entirely satisfied with the course she has pursued, it is sufficient to our present purpose to remark that Russia makes no pretensions south of the fifty-first degree of north latitude. We find by our diplomatic correspondence with Russia, communicated to us at the last session, that she does not pretend to have even discovered the coast below forty-nine. To that point, she said, one of her captains had pushed his discoveries, but not in such a way as to give any title. The Emperor fixes on the latitude of fifty-one by a curious kind of compromise, with the terms of which he does not permit us to have any thing to say. You have a possession, he tells us, at the mouth of the Columbia, in forty-six—I have one (Novo Archangelsk) in fifty-seven. The difference between us is five and a half, which will bring us to about fifty-one. We will, therefore, take that as the boundary. If I may be permitted to adopt an expression used by the respectable and venerable member from Vermont, who sits near me, I would say that this is what he would call "coming to a split." And though, upon some other occasion, we may insist upon the unreasonableness of this *ex parte* mode of settling matters, yet it must satisfy us that our good friend, the Emperor of Russia, will never quarrel with us for any thing we may do south of his latitude of fifty-one. We have only to keep clear by an hundred miles of this boundary upon land, and to take care not to enter his "close sea," of some three thousand miles in width, and we may hope not to offend the Emperor.

We have no reason to believe that the measure contemplated by the bill will involve us in any controversy with Great Britain. She has never had any possession, and I believe never pretended to any title so low as the mouth of the Columbia. To territory more to the north she had made claims; but, as to these, if she be not satisfied with the possession of half the Eastern World, and will quarrel about the Northwest coast, she must quarrel with the *sanctus sanctissimus* of the Holy Alliance. We cannot be in her way. It is remarkable that, though it was well known at the time of the Treaty of Ghent that our boundary, as given by the treaty of 1783, would not close at the north, yet, not a word was said in the Treaty of Ghent of that boundary. The English fur trade was then conducted through the Lakes and by the St. Lawrence. And, though the settlement of Astoria had been made, I think, in 1810 or 1811, and had been taken from us during the war, the English had not yet profited by the enterprise of our citizens, and learnt the importance of communication to the Pacific by the waters of the West. Their trade had not yet taken that course. But when the convention of 1818 was formed, they had in a measure forsaken the trade by the St. Lawrence, and the united Northwest and Hudson's Bay Companies had established their Western route to their market in the East. They were, therefore, desirous of settling a boundary, which would secure to them a port in the Pacific, and would have continued, it may be presumed, the latitude 49 as the boundary between us beyond the Rocky Mountains, if we would have consented. This would have left to them, undisputed by us, the port of Nootka Sound, their old bone of contention with Spain. But we were not willing to give this limit to the purchase we had made of Louisiana, and therefore, it may have been, an article was introduced in the convention of 1818, by which it was stipulated, that either party might possess himself of stations on the Northwest coast, without its being cause of quarrel or evidence of title. But I will not believe that this provision was intended by our negotiators to imply any doubt of our title below the 49th degree. An evidence that Great Britain herself so understood it is, that, in 1818, she restored to us possession of our settlement at the mouth of the Columbia without the least intimation, in all her negotiations on the subject, of any question as to our title.

It is not then any adverse claim of title in any nation on earth that we are to fear may produce collision. But the ambition or cupidity of foreign nations may lead them to desire a possession offering so many advantages as does that of the mouth of the Columbia.

According to official representations on our files, the harbor is safe and capacious—accessible to the largest merchant vessels—peculiarly defensible. The climate is so mild that frost is rare. The soil is fruitful, and produces luxuriantly. If such a country should be left unoccupied by us, can we believe that other nations will respect our title, and refrain from occupying it? If they do not, and we should learn to-morrow that Spain, or Russia, or England, had possessed itself of the mouth of the Columbia, what should we do? We should then be obliged to assert our right, and defend the integrity of our territory. We have sworn to support the Constitution of the United States, and cannot abandon any part of it to any other Power. If this be so, I submit, sir, whether there is not much more danger that, by neglecting this fair country, we shall be involved in collision with some State that covets this possession,

than we could be by adopting the measures proposed by the bill.

The amendment I propose, sir, is to strike out the words "and required," from the 4th line, and insert, in place thereof, as follows: "When, in his opinion, it may be consistent with the public interest." This will render the bill harmless, at least it will amount to no more than an appropriation, which will put it in the power of the President to pursue the measures authorized by the bill, if he should think them consistent with the public interest.

Mr. MALLARY, of Vermont, said he was opposed to the proposed amendment. He thought that Congress should take the responsibility of directing the occupation of the territory, and not place it on the President. It was not to be supposed the President had more information than is in possession of the House. It would be very extraordinary that this measure should be suffered to progress for weeks, and yet some deep reasons of State should remain undiscovered. For one, Mr. M. said, he was willing to meet the proper responsibility of his station, and not cast it off on any other department. Mr. M. stated, that he had prepared an amendment, which he should offer, if the one now under consideration should be rejected. He wished an occupation, by military force only, with some encouragement to settlers. The establishment of a civil government was unnecessary until there were people over whom it might be exercised. Besides, this course would avoid a considerable expenditure, and would remove some objections to the original bill. As it respects the occupation of the territory in question, Mr. M. said he was decidedly in its favor. The advantages it would afford to the fisheries, to commerce, and to the fur trade, had been most clearly shown. He would only add that, if any encouragement was to be given to the prosecution of the latter, now certainly was the time. The western part of the continent was overrun with traders of almost every nation, and shortly that trade would be of little value, if not annihilated. We ought promptly to secure whatever may fairly belong to us. The present is the proper time to adopt the measure. We are at peace with the world. Our means are abundant. Should we be hereafter engaged in war, a place of security would be provided for the millions of property we should have on the Pacific. Some thought the measure visionary; too hazardous for Americans to undertake. How often are we reminded of American enterprise? It is made a constant boast, and yet we appear to be alarmed at the idea of occupying our own domain! The smallest nation of Europe would not fear the undertaking, yet we are fearful it is beyond our power. Portugal, small as she was, did not hesitate to plant her colonies in every part of the world. Russia, with her capital in the centre of Europe, enclosed with walls of ice one half of the year, extends her colonies and commerce to every continent, and yet, with all our enterprise, we dare not venture beyond the Rocky Mountains. This subject occupies a great share of public attention; it is anxiously looked for—the interest and enterprise of the nation requires the adoption of the proposed measure.

Mr. M. observed that an argument had been pressed into service, in favor of the bill, to which he could not give his assent. He alluded to the observations of a gentleman from Massachusetts, (Mr. BAYLIES,) who had advocated the bill, in which a reference was made to the system of colonization adopted by European Governments. We have been told of the wealth which they had acquired from the colonies; the points of grandeur to which they have ascended by the aid derived from their foreign dependencies. Mr. M. said, such a system could never be adopted by our Government. It was abhorrent to its first principles. The nations of Europe, it is true, have aggrandized themselves on the spoils plundered from their colonies; but this Government can never employ a Pizarro or an East India Company to desolate colonies and conquered countries to enrich itself or its people. Whatever portion of the world we may occupy must have the benefit of our institutions. Its people must have the rights of American citizens. If wealth is acquired, it can be obtained only by legitimate means. It becomes a portion of national wealth, because it is enjoyed by a portion of the American family.

It has been urged, in opposition to the bill, that, if it succeed, our capital and population would be drawn from the United States; that it would drain us of our wealth and deprive us of the benefits of the enterprise of our people. Mr. M. said, he thought little was to be apprehended from this source. If wealth was acquired, it would be of course by American citizens. They would prefer the enjoyment of it here. It must, from necessity, flow into the United States. As to dangers resulting from emigration, they must exist only in imagination. We can furnish population for a respectable settlement abroad every year, and it could never be felt by the nation. Mr. M. said his feelings were not much excited by the subject; he did not consider it as a question of the first magnitude; yet he believed it would afford valuable facilities to our fisheries, navigation, and commerce; it would afford security and protection to a vast amount of property in the event of a war; it would secure the possession of that portion of our dominion to ourselves, and prevent an encroachment upon it by others. He thought the advantages resulting would more than overbalance any danger or expense which would follow the adoption of the measure, when restricted, as it would be, should the amendment, which he had suggested, be allowed.

Mr. TRACY, of New York, said he had had no expectation of participating in the discussion of this bill, until he heard the remarks of his honorable colleague, (Mr. COLDEN,) who had just sat down; but the views which this gentleman had expressed were so extended, and, he must be permitted to say, so extravagant, that he could not excuse himself from expressing his dissent from them. In common with other members, he had thought of the subject under consideration; but, as he had not intended to trouble the House with

his views he had never afforded himself one moment's time to arrange the few and imperfect ideas which he entertained in relation to it. This circumstance, while it would, as Mr. T. hoped, be considered as some apology for the uninteresting and confused manner of his remarks, would, at any rate, afford to the House the comfortable assurance that its patience would not be long detained in attending to them.

Mr. T. said that, although the information which he possessed of the country proposed to be occupied, was neither extensive nor precise, still he believed it was more correct and valuable than any which had been disclosed by the gentlemen who had preceded him. This information induced him to think that the importance and utility which had been attached by them, to a settlement at the mouth of the Columbia, to say the least, were extravagantly overrated. He believed that he should succeed in satisfying the House that there were connected with this scheme no objects of national advantage, which would justify the very considerable expense which the experiment must occasion; and that the country generally, but peculiarly the mouth of the Columbia, afforded none of those attractions with which the fancy of the gentleman had decorated it. But, said Mr. T., if I had not thought that this measure involved consequences of more importance than the useless waste of a few thousands of dollars, however utopian the views of its advocates might have appeared to me, I should have rested my opposition on a silent vote against it; but it does seem to me that this bill involves a principle of great national consequence—a principle which he was sure this House was not prepared to establish, without, at least, pausing to reflect on its nature and importance. I allude, said Mr. T., to the principle of colonization which is contained in the bill. This principle of policy, should it now be recognised, may hereafter be quoted as a precedent for measures which will change the condition and nature of this Government. Mr. T. said he proposed to give his views on this feature of the bill, after he had first afforded the House the information he possessed of the country, and examined the nature of the advantages which the gentlemen anticipated from its occupation.

It had been his good fortune, Mr. T. observed, to have become acquainted, within the last two or three years, with several gentlemen of much intelligence and candor, who had been at the mouth of the Columbia river, some of whom had resided there for a considerable time. It was to conversations which he had, at different times with these gentlemen, that he was indebted for the information which he should now afford respecting this place and the circumjacent country—it was information upon which he was sure the House might implicitly rely, notwithstanding it will go so far as to dissipate the pleasing illusions which have been indulged of the beauty and fertility of the land of promise—it will indeed change an imaginary Eden and a fancied metropolis into a rude and inhospitable wilderness, and an inaccessible and dangerous coast; but, disagreeable as this transformation may be, it was one which must be produced by the facts he should disclose.

The coast, in the vicinity of the mouth of the Columbia, is high, rugged, and, to use the technical phrase of sailors, iron-bound. The entrance into the river, or rather into the estuary into which the river disembogues, is difficult and dangerous, owing to the bars or shoals which stretch out from Capes Disappointment and Adams, the two points which form the bay. These shoals approximate so much as to leave the channel between them too narrow to allow vessels to pass through with safety. It is only, therefore, with a fair and free wind that a ship can enter; for, without a leading wind, the strong tides which set here, at the rate of five or six miles an hour, would strand her on one or the other of the capes, as the tide should happen to be either at flood or ebb. The anchorage within is tolerably good, except that the great action of the tides is calculated to make the anchors foul, and render much labor necessary to keep the vessel safe at her moorings. But, as the winds which prevail on the coast are principally from the west, the difficulty in going out is much greater than that of entering. Vessels in the harbor would often be detained for weeks before an opportunity would present for putting to sea. Upon the whole, the harbor must be considered, at all seasons, bad, and, during the winter months, almost, if not altogether, impracticable. The climate, instead of being as I have heard it described, bland and salubrious, is bleak and inhospitable. It is true that deep snows or severe frosts are seldom known, during four or five months of the year, but the vapor arising from the ocean, which is driven by the constantly prevailing west winds on the high mountains, is condensed by the cold, and descends in drenching rains almost unremittingly. A dry day at this season is a luxury rarely enjoyed, and the cheering ray of a sunbeam scarcely ever experienced. As you ascend the river the period of the rainy season diminishes, and at the first spurs of the Rocky Mountains, a distance of four hundred or five hundred miles, it is almost unknown. But the climate, owing to this excess of humidity at one season, and the feeble influence of the sun in the other, is believed, from experiments which have been made, to be incapable of nourishing many of the valuable products which are cultivated with success in the corresponding latitudes of the Atlantic. The attempts which were made to cultivate maize wholly failed; and, although turnips, cabbages, and some other culinary vegetables have succeeded, the prospects for wheat, rye, oats, &c., are miserable indeed. The face of the country, for some distance from the ocean, although presenting a strong and deep soil, is rugged, broken, and covered with impenetrable forests of hemlock, spruce, and white cedar, of prodigious size, and affording the most discouraging prospects to the settlers. The country generally continues of this character until you reach the Wallamut river, which enters the Columbia about one hundred miles from the sea. In this distance, there are occasionally some small tracts of alluvial land, which, being level and less burdened with timber,

might be more easily fitted for cultivation than the broken uplands; but even these are often subjected to inundation in Summer, when a dissolution of the mountain snows swell the river. It is true, spots might be found above the reach of high water, but they are too insignificant in extent to be considered in relation to this object of forming a compact and important settlement. There are places along the Columbia where a few families might sit down together, but they are not numerous, nor is there any spot sufficiently large for a considerable population throughout the whole timbered country, which extends a distance of about two hundred miles from the sea. Between this point and the spurs of the Rocky Mountains, forest trees totally disappear, and nothing larger than the common willow is to be seen. This whole intervening tract is one of gravel and sand, with just soil enough to sustain a scanty covering of grass. On the Wallamut, a tract of country of moderate extent is found, which affords some advantages of soil and climate superior to those which have been just mentioned; and it is here, and here only, that the least prospects for an agricultural settlement can be found.

Mr. TRACY observed that, if the statements which he had now furnished to the House were correct, and he was sure they were substantially so, they must dispel the reveries in which some of the advocates of the bill had indulged, of witnessing a new and powerful nation rising up on the borders of the Pacific, which should be indebted to us for their religion, their institutions, and their laws, and which, at no distant day, was largely to participate in the blessings and powers of the Government which we enjoy. For his own part, he was satisfied that no extensive civilized settlement would or could be made in that country within any period of time to which, as rational and practical men, we can extend our views.

Mr. T. said, he should now examine some of the advantages which gentlemen anticipated from the adoption of the measure. Several gentlemen who have advocated the bill, and particularly his worthy colleague (Mr. COLDEN) had insisted very much upon the great commercial advantages which would be produced by a settlement; for his part, he had not been able to discover them. The peculiar nature and great value to this country of the Northwest trade had been urged, and a striking illustration of its productiveness afforded. He was not disposed to dispute the utility and importance of this branch of our commerce. He was aware that it was one which required small capital, and which had returned prodigious profits. But he begged gentlemen to recollect that it was not so important for them to establish the value of this trade as it was to show that its safety and success depended upon our taking possession of the coast. Unless they can satisfy the House that a military occupation of the mouth of the Columbia will either promote or protect this traffic, they can gain nothing by showing its value and importance. Mr. T. said, he would state a few facts relating to this trade, which he hoped would satisfy gentlemen, not only that they misapprehended both its character and extent, but that the measure they proposed might have a very different effect upon it from what they had anticipated. The first trade on this coast by our citizens was as early as 1787. For some time after this, it was confined to a few vessels; but, as early as 1801, there were fifteen American vessels employed in it, a greater number than has ever since been engaged. The present number, he understood, was twelve or thirteen, but this limitation or diminution of the trade had not been produced by any difficulties which were experienced on the coast, but by the limited supply of the article for which alone the trade was valuable—he meant the skins of the sea otter. The number of these animals was sensibly diminishing; but the supply had never been obtained from the vicinity of the Columbia river, but much further North, and within the undisputed limits of Russian territory. No gentleman had succeeded in showing that a settlement at the mouth of the river would facilitate or increase this trade. We now enjoy all the advantage for this commerce, which we have a right either to expect or demand. It cannot be materially extended, for the supply of the article in which it principally consists is limited and diminishing. Besides, said Mr. T., what effect could the small garrison which it is proposed to place there, have in increasing or facilitating our trade with the natives? Its influence would be to produce on their minds jealousy and apprehension; and, instead of promoting the friendly intercourse which now exists, in all probability it would destroy it. I object altogether, said Mr. T., to the principle of extending our military posts beyond the pale and protection of our civilized population. Its effect is to expose our troops to dangers from which they cannot be relieved, and to provoke cruel and expensive wars with the Indians. Military posts should be placed for the purpose of protecting an existing frontier population, but not for the purpose of attracting our population to an exposed situation. Its natural tendency is to diffuse. Its limits are already sufficiently large; as it becomes more dense, it will extend them; but it is not the true policy of the Government to invite its dispersion.

It was for these reasons, said Mr. T., that I opposed the Yellow Stone expedition, in which opposition I was happy in having the concurrence of the gentleman who introduced this bill, and yet the destination of that expedition was within the circle of civilization. I might almost say in the bosom of the nation, when compared with the mouth of the Columbia river. As respects the advantages of the settlement for our whale fishery, Mr. TRACY said he did not pretend to be so competent to judge as many others. He believed, however, that the whale fishery had not been prosecuted to any great extent as high up on the coast as latitude 46, the mouth of the Columbia; but, admitting that it shall be so, he could not perceive what assistance or advantage the whalemen could derive from a defenceless and destitute settlement. The harbor, he had already shown, was not such a one as it was desirable to frequent, and it was evident the country was not likely to

supply any of those comforts or necessaries which might render a port desirable to those who were engaged in so difficult and dangerous pursuits. But, another reason, which more than all the others satisfied him that a military position on the coast was not important for commercial purposes, was the fact that it had not been asked for by any portion of our mercantile community. The merchants of this country, as they are the most enterprising, so he believed they were the most astute class of our citizens—the first to discover their true interests, and the loudest to claim protection in the enjoyment of them. If such splendid advantages are to be realized from this measure, it is incredible that they should have escaped the attention of those who would have been most likely to have discovered them, and who certainly will be the most sure to be benefitted by them.

Another important inducement which is urged for the adoption of this measure, is the influence which a settlement on the coast would have to quiet the preposterous claims, and prevent the dangerous encroachments of the Russian Government. The gentleman had dwelt much on the extravagant and ridiculous pretensions which had been advanced by the Russian Minister in his correspondence with our Government on the subject of this country. Mr. T. said, that he believed no gentleman could entertain a serious apprehension that the Emperor of Russia had ever thought of enforcing these pretensions. He believed they were the abstract speculations of a diplomatist, who had no object in presenting them but to amuse his master by his ingenuity, and to show his own adroitness in defending fanciful titles to wild and unoccupied territory. To suppose that the Russian Emperor ever contemplated exercising exclusive sovereignty over the wide ocean between the American coast and Asia, was to suppose him a madman. Any step which he shall take to enforce this most absurd and unjust pretension, can be regarded as nothing less than an act of direct hostility against us; but it will be an act which a pitiful garrison at the mouth of the Columbia can neither avert nor avenge.

The anticipation which the advocates of the bill had indulged of seeing the trade of this country and of Europe with the East Indies conducted across the American continent, he feared would never be realized. Mr. T. said that his residence was at an important point, on the route which his colleague had designated for this commerce, and, of course, no one could feel a stronger wish for the realization of those views than he did; but, he must confess, they were too sublimated for his imagination. A commerce which was to be conducted from New York by the great canal to the lakes; from thence to the Mississippi, and up to the rapid and unnavigable Missouri for several thousand miles; across the inhospitable and almost rocky mountains; down a most turbulent and obstructed river, to the shore of the Pacific, and thence across the ocean many thousand miles, presented to his mind difficulties and obstacles which were not easy to be surmounted. Until the knowledge of shipbuilding was lost, and the art of navigation forgotten, he could not believe that a connexion of this nature would be substituted for the present easy, though perhaps circuitous, intercourse with India. Sir, said Mr. T., when we reflect that the interposition of the narrow Isthmus of Suez, between the Mediterranean and the Red sea, although nothing but a level plain, has interrupted the former intercourse with India, and has for ages turned the whole commerce of Europe with that country into a circuitous voyage of many thousand miles, how can we fancy that we shall ever overcome the infinitely greater obstacles which are presented in this imaginary project? To my mind, sir, no scheme can appear more visionary than that of an internal commerce between the Hudson and the Columbia. The God of nature has interposed obstacles to this connexion, which neither the enterprise nor science of this or any other age can overcome.

Mr. T. said, that his colleague seemed to consider the improbability that this occupation would bring us in collision with any of the European Powers who claim territory on the coast, afforded an argument in favor of the measure. He had entered into a considerable investigation of their rights and claims to show that this settlement could not interfere with any of them. Mr. T. said, that he was ready to admit, that neither England, Spain, nor Russia, had the right, or probably would have the disposition to complain of the measure. But, he was sorry that his colleague had forgotten, that, although neither of these nations had a right to object, there was a people who had. He alluded to the present inhabitants, and true proprietors of the country. The Indians of that coast, he had heard, were numerous and warlike, and he did not believe they would regard, with complacency, a military establishment among them. He had no doubt but it would involve us in a war with them. It was probable we might succeed in subjugating, perhaps in exterminating them, but it could only be done at a considerable expense of blood and treasure. And a conquest, under such circumstances, would redound but little to the glory of this nation. Mr. T. said, that he would not undertake to say how far the rights and necessities of civilized man, might justify him in encroaching on the cultivated, though indisputable possessions of the barbarian; but, he would say, that no humane heart could be disposed to add, to the long catalogue of injuries which this nation has inflicted upon the aborigines of the country, a wanton and exterminating war with this unoffending and remote people. His mind revolted at the thought of renewing with them that system of fraud and violence, by which he feared too great a share of our possessions had been acquired. Nothing but an urgent necessity could induce him to support a measure calculated to produce this result.

I have, said Mr. T. consumed so much more time than I intended in examining the advantages which gentlemen have promised from the adoption of the bill, that I shall but briefly notice what I

consider its most important and interesting feature. I mean the principle of colonization, which its passage will establish. To be sure, it has been insisted that this bill does not contemplate a colonial establishment, inasmuch as the territory proposed to be settled, is within the nominal limits of this country. This circumstance cannot vary the character of the establishment. Indeed, almost every colony which has been planted by an European nation, was upon territory which belonged, or at least was claimed to belong to the nation. Its being or not being a colony, does not depend upon its location. Will not this settlement, if it shall be made, be a dependency on this Government? Must it not be founded at its expense, supported by its money, protected by its power, and sustained by its resources? Will it not be governed by an Executive which it has no influence in creating, and controlled by the acts of a Legislature, in whose councils it cannot participate? If so, whatever name it may assume, it is, to all purposes, a colony. Indeed, the gentleman from Massachusetts (Mr. BAYLIES,) who spoke some days ago, was so well convinced of this fact, that he considered it necessary to enter into an elaborate and learned argument in favor of the colonial systems of Europe. I shall not attempt to follow him through it; but his speech, although ingenious and eloquent, failed to convince me that the people of any nation of Europe had experienced advantages from colonies, to the extent which he supposed; much less, that the adoption of that policy would be beneficial to the people of this country.

Mr. T. said he would not extend his remarks, by demonstrating that the possession of colonial dependencies was inconsistent with the genius of this Government and the republican nature of our institutions. Its influence upon them must be apparent to every mind. For his own part, he should look at no event with greater apprehension and regret, than one which should place under the control of our National Government, extensive colonial dependencies. He should consider such an event to be intimately associated with its destruction, or at least with the prostration of that liberty, for the protection of which, alone, we can wish the Government to exist. Against this view of the colonial character of the establishment, it has been urged that, should it be made, the rapid emigration to it would soon exalt it from an humble colonial condition, and entitle it to claim to admission into this Union "on an equal footing with the original States." This event, said Mr. T., if the views I have offered of the country are in any degree correct, cannot be rationally anticipated. But if it shall happen, in what condition will this country be placed? Can any legislator seriously think of extending its limits four thousand miles west of the mouth of the Missouri? Does any one believe that such an extension can be made, without parting the chain of our Union? Elastic as I believe this chain to be, it cannot be stretched from the Atlantic, across the Rocky Mountains, to the Pacific, without breaking! Gentlemen may indulge in the speculative benevolence of extending the blessings of our happy Government to the uttermost ends of the earth. So far as feelings of philanthropy and freedom are concerned, I go with them; but I cannot believe that the people of the Atlantic and the Pacific can ever be brought under the banners of the same Government, consistent with the interests or happiness of either; nature has fixed limits for our nation; she has kindly interposed as our Western barrier, mountains almost inaccessible, whose base she has skirted with irreclaimable deserts of sand. This barrier our population can never pass—if it does, it becomes the people of a new world, whose connexions, whose feelings, and whose interests, are not with us, but with our antipodes.

Mr. WOOD, of New York, said the first question that occurs on this proposition, as on the introduction of every measure of public policy, is, what benefit is to result from it? The gentlemen who have advocated this bill, said he, have given us an interesting view of our trade in the Pacific ocean, and on the Northwest coast. If it is as valuable as they have represented it to be, and I have no doubt of the correctness of the representation, I hope they will not suffer themselves to be seduced by a glowing imagination or benevolent feelings, into the adoption of a measure that is directly calculated, in its operation, to divest us of it. They have drawn a splendid picture of the progress of improvement, and of the future destinies of the new State, whose foundations are to be laid by this bill—the change of a wilderness into cultivated fields—the transformation of savages into civilized and polished citizens—the erection of civil society and civil institutions, with all the arts that improve and adorn society, on a soil that has heretofore been the theatre of barbarous manners and barbarous rites, are pleasing ideas; they interest the imagination, and are in accordance with the best feelings of the heart; but they are not safe guides in legislation.

Sir, is there any necessity for a measure of this kind? Is our jurisdiction over the country disputed? No such thing. Have our merchants petitioned for it? Have they represented such a measure to be necessary for their protection or for any other purpose? There is not a single petition upon your table on the subject, from any quarter. The measure is not called for by any great public interest; it is proposed merely as a measure of national policy, and is to be tested as all measures of that nature are, by its bearings on the public interests. Is it, then, the interest of the United States to incur the expense and risk the consequences of a military occupation and forced settlement of the country on the Columbia river? Will the contemplated settlement afford an adequate indemnification?

We are urged to this enterprise in consequence of our legal jurisdiction over the country. Is it contemplated to embrace the settlement as a member of our Union? The distance between us renders that impracticable. The proposed measure must therefore result in the establishment either of a colony or an independent State; neither of which, in my judgment, can be of any benefit to

the United States. Colonies are of little importance to any but manufacturing nations. They require a constant supply of manufactured goods, and will, without restraint, seek for supplies from the nation that will afford them on the best terms. How could the United States undertake to supply the necessities of a growing colony, when, for many years to come, without diverting their capital to manufacturing establishments, they will be utterly unable to supply their own wants? The liberation of Spanish America from the restraints of the colony system, has created an extensive demand for manufactures. Are we in a condition to avail ourselves of it? Has not the principal advantage of the change resulted to Great Britain? And is not the greater part of what we export there, the product of the workshops of that nation?

Is the profit we derive from the trade much more than the compensation for carriage, and would not the freight of the goods carried to the new colony be the sole benefit that we should derive from it; and would not this be very inconsiderable in amount, liable to be lessened or lost by competition, and to result in the extension of British manufactures, British commerce, and British navigation?

It is alleged that the European nations have derived great advantages from planting colonies. This is readily admitted, but the situation of England, France, Spain, and Portugal, in the seventeenth century, was very different from that of the United States at present; they were full of people, and had laid the foundations of manufacturing establishments, and were in a condition to carry them to any extent, for the supply of their colonists.

To insure their growth, they established the colony system; they confined the trade of their colonies exclusively to the mother countries. The colonists were inhibited from any intercourse with other nations, and contributed much to enlarge the manufactures, commerce, and navigation, of their mother countries. The colony system is a system of oppression; it reduces the colony to political slavery; for, however free the individuals may be, the State is in chains. It was by monopolizing the trade of their colonies, therefore, that the European nations have rendered them beneficial to themselves.

The United States are not at liberty to adopt that system; it constituted one item in the long catalogue of grievances which provoked the Revolution, and is abhorrent to the principles of our political institutions.

In analogy with the course observed, in relation to the Territories of the United States, as soon as the people of the new settlement were capable of self-government, the United States would be bound to emancipate them.

Sir, the operation of the bill will then be the erection of an independent State. Will this result in any advantage to the United States? Independent States are upon an equality; intercourse between them is regulated by mutual interest. What inducement of interest will bind the new State of Columbia to the United States? They are too remote to derive any benefit from political connexions—will any benefit result from commercial intercourse? Trade must be of very limited extent between States situated in the same climate, and in the same stage of improvement; they will abound in the same productions, and will want the same supplies. An extensive commerce can only exist, and become mutually profitable between countries, situated in different climates, whose productions are dissimilar; or between States in different stages of improvement—manufacturing States and infant colonies, whose productions consist of raw materials.

The United States and the State of Columbia lie in the same climate, will be nearly in the same state of improvement, will abound in the same productions, and need the same supplies; there will be no tie of mutual interest to bind them together; no inducement to a commercial intercourse. After they have become capable by your fostering care, and at your expense, of self-subsistence, and self-government, they will pursue such course and form such connexions as their interests and local situation may dictate. Even the benefit of the freight of European goods, which might result to the United States during the minority of the colony, would be lost the moment they became emancipated, and in a condition to make a better bargain with Great Britain, Spain, or any other manufacturing nation.

In such a case the establishment would, with regard to European commerce, become contributory to the extension of the manufactures, commerce, and navigation of other nations.

A voyage to the United States will occupy from five to eight months—a voyage to Acapulco, Coquimbo, or Valparaiso, may be performed in half the time, and will afford a better market for the productions of their soil; these will therefore be carried there, while the produce of the sea and the fur trade will be carried to China.

Again, sir, the settlement, if it should succeed and become an independent State, will be composed of those enterprising citizens who have explored the Pacific ocean from the South to the North pole, and who are conversant with its fisheries and the fur trade; and the moment they are able will engross the whole. Thus, by the growth of the settlement of Columbia river, the United States will forever lose a portion of their most enterprising citizens, and will jeopardize a portion of their European carrying trade—the valuable commerce of the Pacific ocean, and all the revenue derived from it.

I may add, as further objections to the enterprise, the expense with which it must be attended—the danger of its provoking Indian hostilities—the evils arising from draining our population from the frontier settlements, and the mischievous effect this would have in retarding the progress of cultivation and improvements in the new States.

To effect the settlement, a communication by land would be indispensable; a chain of military posts must be extended from St. Louis to Columbia river; a strong fortification must be erected at

some convenient place on the river; and a respectable naval force must be maintained there for the security of the settlement. It would become a source of great and increasing expense, incomparably greater than the amount of revenue derived from our trade in that ocean, and probably greater than the profits of the trade to the country. It is not reasonable to suppose all this can be effected without alarming the fears and exciting the jealousy of the Indian nations on both sides of the Rocky Mountains, and without encountering the risk of an Indian war, and endangering the quiet and safety of our frontier settlements, as well as the settlement at Columbia river. The emigration from our interior settlements would probably be considerable; this would invite aggression and lessen their capacity for defence, and must contribute to retard the progress of cultivation and of every species of social and moral improvement.

These considerations have produced a conviction in my mind that the operation of the bill will be destructive of the true interests of the United States, and ought not to be passed.

I will barely add, that whenever it shall be deemed proper to encourage a settlement in that part of the country, in my humble opinion, the most eligible course will be to suffer a company to occupy it, to extinguish the Indian title, to form a settlement, and, as soon as they are able, to form an independent representative government; but I am persuaded the longer this is delayed the better.

Mr. COLDEN, after a brief reply to some remarks which had dropped from gentlemen opposed to the bill, renewed his motion to amend as above stated, which he had withdrawn, to give gentlemen an opportunity of presenting their views on the principles contained therein; and, the question being taken, there were in favor of his amendment 48, against it 54.

So the motion was negatived.

Mr. MALLARY then moved to amend the bill by inserting, after the enacting clause, the following:

That the President of the United States be, and he is hereby, authorized and required to occupy that portion of the territory of the United States situated on the Pacific Ocean, north of the forty-second degree of north latitude, and west of the Rocky Mountains, with a military force, and to cause a suitable fort to be erected on the Oregon river, in the region of tide water; which tracts of country in this section described is hereby declared to be the Territory of Oregon.

SEC. 2. *And be it further enacted*, That the President, be, and he is hereby, authorized and empowered, as soon as it may be done on reasonable terms, to extinguish the Indian title to a tract of country not exceeding thirty miles square, which shall include the place selected for said fort.

SEC. 3. *And be it further enacted*, That there shall be allowed to each actual settler, being the head of a family, who shall remove to said Territory with his family, 320 acres of land; and to an unmarried man, between 18 and 45 years of age, who shall establish himself in said Territory, and pursue any mechanic art, or cultivate the ground therein, 200 acres: *Provided*, That no person shall be entitled to the allowance of land made by this section, unless he shall be a citizen of the United States: *And provided also*, That this allowance of land shall not be made after the expiration of six years from the time the Indian title shall have been extinguished as aforesaid.

SEC. 4. *And be it further enacted*, That the President be, and he is hereby, authorized to open a port of entry within and for said Territory, whenever he may deem the public good may require it, and appoint such officers as may be necessary for the same; after which the revenue laws of the United States shall extend to, and be in force in, said Territory.

SEC. 5. *And be it further enacted*, That the sum of sixty thousand dollars be, and the same is hereby, appropriated, to carry into effect the provisions of this act, out of any money in the Treasury, not otherwise appropriated.

This amendment being read, the bill, was ordered to lie on the table; and then the House adjourned.

TUESDAY, January 14.

Mr. STERLING, of New York, from the Committee on the Public Lands, to which was referred the bill from the Senate, entitled "An act for the relief of Daniel Seward," reported the same, without amendment, and the bill was committed to a Committee of the Whole.

Mr. STERLING, from the same committee, also reported a bill to authorize the Commissioner of the General Land Office to remit the instalments due on certain lots in Shawneetown, in the State of Illinois; which was read twice, and committed to the Committee of the whole House to which is committed the bill to establish an additional Land Office in the Territory of Michigan.

Mr. SLOANE, from the Committee of Elections, reported that "Joseph M. Hernandez appears to have been duly elected a delegate to represent the Territory of Florida in the Seventeenth Congress of the United States; and, as such, is entitled to a seat in this House;" which report was ordered to lie on the table.

Mr. VANCE submitted the following resolution, which was ordered to lie on the table:

Resolved, That the Secretary of the Treasury be instructed to lay before this House a statement showing what contracts for surveying the lands of the United States in Missouri, Illinois, and Arkansas, have been made, by the Surveyor General thereof, since the year 1817; with whom made; for what quantities; to whom the payments therefor were made in each case; also, whether the surveying were actually performed by the original contractors, in person, or by others, under subcontracts; if by others, at what price, per mile, the sub-contractors performed the work in each case; also, the difference, if any, between the amount paid by the United States for such surveying, and the amount received by the actual surveyors of the land.

Mr. STERLING, of New York, submitted the following resolution, which was read, and laid on the table one day, viz:

Resolved, That the Secretary of War be directed to communicate to this House what progress has been made towards the completion of the military road leading from Plattsburg to Sackett's Harbor, in the State of New York; how much of said road remains unfin-

ished; the probable expense of completing the same; and, also, any information in his possession showing the importance of said road in a military point of view.

On motion of Mr. Plumer, of New Hampshire, the Committee on the Judiciary were instructed to inquire into the expediency of continuing in force the act to provide for the reports of the decisions of the Supreme Court of the United States, approved March 3, 1817.

On motion of Mr. Tucker, of South Carolina, the House went into consideration of the report in the case of Samuel Wharton, of the State of South Carolina, who claims compensation for services rendered, under the direction of the marshal of that State, in taking the census for 1820.

Mr. Tucker moved to strike from the resolution appended to the report the word "not," so as to reverse the report; which, after some debate, in which Mr. T. bore the principal part, was decided in the affirmative; and the report was then recommitted to the Committee of Claims, to report a bill in conformity with the resolution as amended.

Mr. Floyd rose to state that, as the amendment yesterday proposed to his bill was of some length, requiring examination by members before acting on it, intimating that he was disposed to favor the amendment; and, as the information which had been asked from the Executive on this subject had not been received, he should not at present, nor for a few days to come, call up again his Mouth-of-Columbia bill.

On motion of Mr. McCoy, the bill, entitled "An act in addition to 'An act for the more prompt settlement of public accounts, and for the punishment of the crime of perjury,'" was read, and ordered to be engrossed for a third reading.

On motion of Mr. Cook, of Illinois, it was

Resolved, That the Committee of Ways and Means be instructed to inquire into the expediency of requiring all payments of money out of the Treasury of the United States to be paid directly from the Treasury, to the party entitled to receive it, where such mode of payment may not be detrimental to the public interest.

In offering this resolution—

Mr. Cook said he had but a few words to say in support of the resolution. The amount of money that passed into the hands of disbursing officers was very great, and the number of those officers was multiplied to an unnecessary extent. The object of the resolution, he said, was to discontinue the practice of placing in the hands of those officers all moneys that it was not necessary to the public interest to confide to them. He believed that the list of public defaulters was greatly swelled by the number of disbursing officers who had been faithless in making their disbursements. If the individuals who were entitled to money out of the Treasury, for services rendered to the Government, could be supplied with drafts on the Treasury, they would, in most instances, prefer them to the money, particularly in distant parts of the Union; and, if there should be some slight inconvenience to such persons, the door that such a practice would close against official fraud and peculation would more than make amends for it. The effect that the present mode of paying out the public money through disbursing agents had upon the public morals, was highly deleterious; and if the interest of individuals could be properly provided for, and at the same time remove the temptations now so frequently held out to public officers to betray the confidence reposed in them, it would be an important point gained. That some measure could be adopted, which would greatly protect the Treasury against such abuses as had so repeatedly happened of late years, he had no doubt; and no committee was better able to devise that measure than the Committee of Ways and Means.

INTERNAL IMPROVEMENT.

The House then resolved itself into a Committee of the Whole on the bill to provide for procuring the necessary surveys and estimates for certain roads and canals.

[This bill proposes to provide, "That the President of the United States is hereby authorized to cause the necessary surveys, plans, and estimates, to be made for a national road from the City of Washington to that of New Orleans; and for canals, from the harbor of Boston, to the south, along the Atlantic seacoast; and to connect the waters of the Ohio above, with those below the falls at Louisville; Lake Erie with the Ohio river, and the tide-waters of the Potomac with the same stream at Cumberland, designating what parts may be made capable of sloop navigation; and for communications between the Susquehanna and the rivers Seneca and Genesee, which empty into Lake Ontario; and between the Tennessee and Savannah, and between the Tennessee, Alabama, and Tombigbee rivers; and for such other routes for roads and canals as he may deem of national importance in a commercial or military point of view. The surveys, plans, and estimates, for each, when completed, to be laid before Congress.

Sec. 2. *And be it further enacted*, That, to carry into effect the objects of this act, the President be, and he is hereby, authorized to employ two skilful civil engineers, and such officers of the corps of engineers, or who may be detailed to do duty with that corps, as he may think proper; and the sum of —— dollars be, and the same is hereby, appropriated, to be paid out of any moneys in the Treasury not otherwise appropriated."]

The bill having been read—

Mr. Stewart proposed an amendment to the detail of the bill.

Mr. Cocke requested Mr. Stewart to withdraw his amendment for the present; for, he said, he should like to hear from the gentleman who reported it some reasons to satisfy the House of the utility of this measure. He wished, before proceeding to amend the bill, to be satisfied of the correctness of its principle. He wished the gentleman also to show the power which this House has to pass this bill.

Mr. Stewart consented to withdraw his amendment for the present.

Mr. Hemphill then proposed an amendment to the detail of the bill.

Mr. Barbour (Speaker) rose to make a mo-

tion, the object of which, he said, was to test at once the principle of this bill. This motion was to strike out the first section of the bill. He did not propose to enter into a discussion of the principle of the bill. The subject has been so much discussed in this House and this nation, that he took it for granted Congress was prepared to determine at once whether it would or would not commence a system of internal improvement. This bill, Mr. B. said, was the means whereby to attain that end, the object of it being to cause surveys and estimates to be made with a view to that end. It could not be necessary, he said, for him to remark, that the House ought not to pass this bill, unless it was disposed to commence and prosecute a system of internal improvement. Being decidedly of the opinion, which he had long entertained, that this House has no Constitutional power on this head, and that the attempt to exercise it would give rise to feuds and jars among the members of the Confederacy; being opposed to the establishment of a system of internal improvement, and considering the measure proposed by that bill as a means to that end, he moved to strike out the enacting clause of the bill.

Upon this motion being announced—

Mr. HEMPHILL rose, and addressed the Chair as follows:

Mr. Chairman: It was my intention to offer some remarks in favor of the present bill at some stage of its progress, and I thank the honorable gentleman from Tennessee (Mr. COCKE) for affording me this early opportunity, by calling on me to state the reasons why the measure recommended should be adopted, and to show that Congress possess the power finally to accomplish this object. I cheerfully comply, as I consider the measure of as high concern to this country as any other which could be introduced here for discussion. It is equally interesting to the present generation and to posterity; it contains nothing that is either new or romantic; it is a subject which, on many occasions, has received the consideration of Congress, and it is one which never will be abandoned—nothing but success can terminate its repeated debates on this floor. The importance of it is universally acknowledged; indeed we cannot read of improvements, even in foreign countries, without being infinitely gratified. Great works, of a permanent character, are every where admired, and yet it seems extraordinary that any thing like a general system of improvements has to encounter, in the beginning, a powerful opposition. It is not a century since the erection of toll gates was spiritedly resisted in England; and, if my recollection is correct, it is less than thirty years since the first turnpike road in the United States, from Philadelphia to Lancaster, was violently opposed.

The local jealousies and prejudices which are so fatal to improvements have entirely subsided in England, as respects both roads and canals; and there is now scarcely a spot in that island which is not within a reasonable distance of a water transportation along canals.

The immense undertaking in the State of New York, which would do honor to any age or nation, had similar prejudices to overcome; but I sincerely hope that we have now arrived at a period in which there is a concurrence of opinion among a large majority of the people on this interesting subject.

I will not, Mr. Chairman, detain the Committee, by going into any tedious detail on the capacity of the country for improvements. There is a general knowledge on this subject, which we all equally possess; waters, we know, may be connected by short portages in instances innumerable; the country (if I may be allowed the expression) can be converted into convenient islands, each containing a capacity within itself of water communications, traversing in almost every direction.

Our general knowledge on this subject is derived from various sources; from the valuable maps of the country, and in some instances from actual surveys; from reports made by the heads of Departments; from various reports in the Senate and this House, and from proceedings and writings in many of the States. I will trouble the Committee with the reading only of a single extract from one document—I mean the President's Message accompanying his rejection of the Cumberland Road bill. (Mr. H. then read as follows:)

"I think I may venture to affirm, that there is no part of our globe, comprehending so many degrees of latitude on the main ocean, and so many degrees of longitude into the interior, that admits of such great improvement, and at so little expense. The Atlantic on the one side, and the lakes, forming almost inland seas, on the other, separated by high mountains, which rise in the valley of the St. Lawrence and terminate in that of the Mississippi, traversing from North to South almost the whole interior, with innumerable rivers on every side of these mountains, some of vast extent, many of which take their sources near to each other, give the great outline."

It is the design of the bill to obtain accurate information, with plans and estimates, for the purpose of commencing a general system of internal improvement. The committee which reported the bill, at the last session, selected some of the most prominent objects, leaving a discretionary power with the President to cause plans and estimates to be made in any other places which he might deem important, in a commercial or military point of view.

This is a part of the subject which will present difficulties and create local jealousies; as every portion of the country cannot apparently be benefited alike. But such obstacles must be subdued by the good sense and dispassionate deliberation of those in power. It will, however, be recollected, that the object now is merely to obtain information to enable a future Congress to say when and where the works shall be commenced.

Many improvements have been made by the States, and many more, doubtless, will be made; but the great and national objects never can be perfected by the States. They must be performed by the General Government, or never come into existence. The President, in his Message, has

very forcibly illustrated this view of the subject. It is as follows:

"It cannot be doubted that improvements for great national purposes would be better made by the National Government, than by the governments of the several States. Our experience prior to the adoption of the Constitution, demonstrated that, in the exercise, by the individual States, of most of the powers granted to the United States, a contracted rivalry of interest and misapplied jealousy of each other, had an important influence on all their measures, to the great injury of the whole. This was practically exemplified by the regulations which they severally made of their commerce with foreign nations and with each other. It was this utter incapacity in the State governments, proceeding from these and other causes, to act as a nation and to perform all the duties which a nation owed to itself, under any system which left the General Government dependent on the States, which produced the transfer of these powers to the United States, by the establishment of the present Constitution. The reasoning which was applicable to the grant of any of the powers now vested in Congress, is likewise so, at least to a certain extent, to that in question. It is natural that the States, individually, in making improvements, should look to their particular and local interests. The members composing their respective Legislatures represent the people of each State only, and might not feel themselves at liberty to look at objects in these respects beyond that limit. If the resources of the Union were to be brought into operation under the direction of the State Assemblies, or in concert with them, it may be apprehended that every measure would become the object of negotiation, or bargain, or barter, much to the disadvantage of the system, as well as discredit of both governments. But Congress would look to the whole, and make improvements to promote the welfare of the whole.

"It is the peculiar felicity of the proposed amendment, that, while it will enable the United States to accomplish every national object, the improvements made with that view will eminently promote the welfare of the individual States, who may also add such others as their own particular interests may require."

Nothing can be more judicious and enlightened than the remarks of the President throughout, in favor of the expediency of commencing improvements by the General Government.

Roads, to be made by the General Government, would be but few, and these leading to the extremities of the Union; and such others as may be necessary for military purposes. We have a road over the Alleghany mountain, to the West, which can be extended to the Mississippi; and it appears to me that it would be exceedingly useful to have a road to the southwest, leading from the city of Washington to New Orleans. The distance would be about one thousand miles. Of the expense I can form no estimate. I presume that the greater part of the way, a good road could be made without being turnpiked. But the greatest aid required of the General Government would be in making canals, and improving the beds of rivers.

The difference in the expense between land and water carriage is almost inconceivable. A barrel of flour can be carried from Philadelphia to England for half a dollar, three thousand miles; but to Pittsburg, along a turnpike road, about a tenth part of the distance, it would cost five dollars. The same proportion, nearly, would be experienced as to the carriage of cotton, iron, hemp, tobacco, and all bulky articles, as well as in the case of many manufactured articles. The reason of the vast difference in the expense of carriage, by roads and canals, Mr. Fulton told us, is obvious to every one who will take the trouble to reflect, that, on a road of the best kind, four horses, and sometimes five, are necessary to transport only three tons; but on a canal, one horse will draw twenty-five tons, and thus perform the work of forty horses; the saving being in the value of the horses, the feeding, wagons, and attendance.

There is an interesting detail on the subject of canals in a number of a late Edinburgh Encyclopædia, which I am sorry is not in the Library. A history is there given of the rise and progress of all canals that are known of in the world. The people of England, after experiencing their advantages, are astonished at the delay that had taken place before their commencement.

In the beginning of the reign of George III. the first charter was granted to the Duke of Bridgewater; and this canal yields now £80,000 per annum; and such was the rapid growth of canals in England, after knowing their benefits, that George III. lived to see more than a hundred completed. If the Government had participated in the profits arising from canals, it would have added to her resources an immense revenue. We should take advantage of the oversight of England in this respect, and engage in works of utility, by which the best interests of the citizens will be promoted, and the revenue of the country permanently increased. The book I have alluded to, states that more than 2,400 miles of canalling have been completed, and that scarcely any district of country is more than fifteen miles from a water communication. Since then, the Caledonian canal has been finished, opening a communication between the eastern and western seas, thereby avoiding the dangerous navigation of the Pentland Frith, or the channel. This is a work of magnitude, resembling, and perhaps superior, to the canal of of Languedoc, in France, which joins the ocean with the Mediterranean. The royal canal from Canton to Pekin, is 825 miles long. But what appears to me to be more extraordinary, and worthy of admiration is, that Holland, with a population of one-third of that of England, has expended more than three hundred millions of pounds sterling in public improvements.

I beg leave here to call the attention of the Committee to the prices of canal stock, taken from the European Magazine, for 1820. It contains the original cost of shares, the present prices, and the annual dividends, of a few of the British canals:

	Cost.	Pres't prices.	Ann'l div'd.
Birmingham - -	£25	£535	£20
Chesterfield - -	100	120	8

	Cost.	Pres't prices.	Ann'l div'd.
Coventry - - -	100	999	44
Erewash - - -	100	1,000	58
Grand Junction - -	100	218	9
Leeds and Liverpool -	100	278	10
Leicester - - -	100	260	10
Oxford - - -	100	640	32
Staffordshire & Worcester - - -	100	642	40
Trent and Mersey -	200	900	75
Warwick & Birmingham - - -	100	210	11
Warwick and Napton	100	235	10 10
Loughborough		2,400	119
Milton and Newbury		170	8 10
Mersey and Irwell		650	30 00

The first price of the three last are not given but I am informed that it was £100 each. Such exorbitant gain could not be expected here for a considerable time, but large profits, in some instances, might reasonably be calculated upon. The profits of the New York canals, it is supposed, will in a few years extinguish the expense of the works, and afterwards yield an annual revenue of more than a million. I have no hesitation in believing, that a canal along the Atlantic coast would produce more than six per cent. immediately after its completion, and, in a few years, rise a third in value.

It is stated, in Mr. Gallatin's report, that an inland navigation, from Massachusetts to the extremity of Georgia, is interrupted only by four necks of land, which are the isthmus of Barnstable; that part of New Jersey, which extends from the Raritan to the Delaware; the peninsula between the Delaware and Chesapeake, and the low and marshy tract which divides the Chesapeake from Albemarle Sound. The Massachusetts canal would be about 26 miles; the New Jersey 28, and each of the two southern canals 20 miles, making altogether less than a hundred miles. The expense of making these canals is estimated at about three millions of dollars. One of the canals alluded to in the report has been completed last Fall, under the superintendence of some of the corps of engineers. It is the Dismal Swamp canal, which is twenty-two and a quarter miles in length; in breadth thirty-eight feet at the surface of the water, and in depth six feet. It is the first canal in America that is calculated for sloop navigation, and is sufficient for the common sized craft that navigate those waters, and will admit vessels to pass through the locks with sixty or seventy hogsheads of tobacco, or nearly 300 barrels of flour, with their masts standing.

Its south end terminates at Joice's creek, which empties into the Pasquotank river, 30 miles from its mouth, at Albemarle sound.

This canal is of great importance, as being a link in the contemplated Atlantic canals, and leaves the distance now to be canalled, from Boston to Georgia, at less than eighty miles; and in conversation with a gentleman of intelligence it has been stated to me as a probable fact, that from Georgia to New Orleans, it would not be necessary to canal more than a hundred miles. If this is correct, (of which I am entirely ignorant,) it would cost but about five millions of dollars, according to Mr. Gallatin's estimates, to have a complete inland navigation from Boston to New Orleans—the Dismal Swamp canal being already finished; a sum not double the excess in the Treasury, over what was anticipated for the present year.

Of the utility of such a navigation I need not speak at large; it would avoid the dangerous passage round Capes Hatteras and Florida, where we are exposed to risks, and experience many wrecks. It would be the safe passage for Southern produce to reach the manufacturing markets; and in times of hostility it would give celerity to the movement of troops, and all the munitions of war; indeed, the only appropriate phrase which can be applied to it, is, that the advantages to the country would be incalculable.

From Cumberland, on the Potomac, to the tide waters at the City of Washington, is about one hundred and eighty-eight miles by the river, and a lock navigation; the whole distance can be effected, according to the estimate of the commissioners appointed by the States of Virginia and Maryland, at an expense of about one million six hundred dollars; the Potomac and the Youghiogany river, which empties into the Ohio, approach each other within the short distance of two miles. All the objects contemplated by the bill, and many others, are of great and striking importance, and would be of mutual advantage to the Western and Atlantic States. The expense of making them would be inconsiderable, compared with their national utility. We need not be dismayed at the magnitude of these undertakings; time and labor will overcome them. Pennsylvania has made more turnpike roads than would reach half-way from here to the Rocky Mountains.

The whole of the objects contemplated in the bill, comparatively speaking, are not equal to the undertakings in New York, which are nearly completed. These New York works are of high importance to the nation; they show what can be done; and that a government, with proper management, can execute great works with despatch and economy. They have afforded, moreover, the most valuable experience in the science of engineering.

For many reasons, the committee that reported the bill at the last session, supposed that the information can be more satisfactorily obtained by the corps of engineers than from any other source. They are a well disciplined and organized body, and are composed of the most capable of our scientific men; and it belongs peculiarly to the topographical corps to explore the country, and to give accurate knowledge of such parts as may be deemed necessary, by actual surveys. In this manner, a similar corps has been employed in France; through which every necessary information relative to the face of the country is acquired, and deposited in what is called their military bureau. The corps of engineers, with the assistance of two civil engineers, and the aid of others who can be detailed to do duty in that corps, are

believed, by those best acquainted with the subject, to be sufficient. They proceed by a regular system, and report monthly. Young cadets, as they leave the Military Academy, could be employed—it will give them experience, and advance their usefulness to their country. It will render the science appertaining to the engineer department more perfect and extensive, and obviate the necessity of employing foreign engineers.

There are farther inducements, as it respects economy. They are already in the employment of the Government, and can have no motive to procrastinate the work; they can be actuated by no other motive than an honorable ambition to establish their own reputation, and to show that their institution is valuable to their country. It is the practice to allow them but one dollar and fifty cents *per diem* beyond their usual compensation, which is merely to meet occasional expenses. The difference of expense in obtaining the information by the corps of engineers, or by commissioners, or common surveyors, would be exceedingly great. The information would be useful to the States who have not the same economical means of acquiring it.

As to the execution of a system of internal improvement, it is cordially agreed that great national benefits would inevitably flow from it; and it must be as satisfactorily believed, from the examples of other nations, that the natural advantages of this country will at some period be enjoyed. It therefore appears to me, that the single question, in relation to this interesting subject, is, when shall we begin? When shall we obtain our own consent to reap these advantages?

Some entertain the opinion that it is too soon. On this head, we have opinions from quarters that are entitled to our highest respect. In 1807, the attention of the Senate was directed to this subject, and Mr. Gallatin's celebrated report was made in pursuance of a resolution of that body, in which he recommended the very measure now contemplated by the bill on your table. The following is an extract:

"As an important basis of the general system, an immediate authority might also be given to take the surveys and levels of the routes of the most important roads and canals, which are contemplated; a work always useful, and by which the practicability and expense of the undertakings would be ascertained with much more correctness than in this report. A moderate appropriation would be sufficient for these several objects."

Able reports have been made in the Senate, at different times, in favor of commencing some system of internal improvement.

In 1817, a bill passed both branches of the Legislature, which was rejected by President Madison. The object of the bill was to set apart and pledge a fund for the construction of roads and canals, and improving the navigation of water courses, in order to facilitate, promote, and give security to internal commerce among the several States; and to render more easy, and less expensive, the means and provisions necessary for the common defence. For this purpose, the dividends from the shares in the Bank of the United States were to be pledged during twenty years, which was the whole period of the charter. The money was to be applied as Congress, with the consent of the States, should by law direct. The proportion to be expended on the objects in each State was to be in the ratio of its representation in the most numerous branch of the National Legislature. This bill, as is well known, did not, on the reconsideration, obtain the Constitutional majority.

In the first and second sessions of the Fourteenth Congress, President Madison recommended, in strong terms, the subject of internal improvement. In the first session of the Fifteenth Congress, President Monroe speaks on the same subject with even more enthusiasm, and thinks that, to secure the object, the Constitution ought to be changed.

In 1818, this House adopted two resolutions on the subject, which I will read:

"*Resolved*, That the Secretary of War be instructed to report to this House, at the ensuing session of Congress, a plan for the application of such means as are in the power of Congress, for the purpose of opening and constructing such roads and canals as may deserve and require the aid of Government, with a view to military operations in time of war; the transportation of munitions of war, and the more complete defence of the United States; and, also, a statement of the nature of the works above mentioned, which have been commenced; the progress which has been made; and the means and prospect of their completion; and together with such information as in the opinion of the Secretary shall be material in relation to the objects of this resolution.

"*Resolved*, That the Secretary of the Treasury be instructed to prepare and report to this House, at their next session, a plan for the application of such means as are within the power of Congress to the purpose of opening and improving roads, and making canals, together with a statement of the undertakings of that nature, which, as objects of public improvement, may require and deserve the aid of the Government; and, also, a statement of works of the nature above mentioned, which have been commenced; the progress which has been made in them; the means and prospects of their being completed; the public improvements carried on by States, or by companies, or incorporations, which have been associated for such purposes, to which it may be deemed expedient to subscribe, or afford assistance; the terms and conditions of such associations, and the state of their funds; and such information as in the opinion of the Secretary shall be material in relation to the objects of this resolution."

In obedience to the first resolution, the Secretary of War made a very interesting report to the next session of Congress, strongly enforcing the policy of the measure.

The patriotic resolutions from the Legislature of Maryland, a few days ago presented to this House, furnish evidence that the public spirit of the country is rapidly advancing in favor of internal improvements. And, in addition to all this, after as mature deliberation as any man could bestow on any subject, the present Chief Magis-

trate, in his Message accompanying his rejection of the Cumberland Road bill, gives us his unequivocal opinion in these words: "It is of the 'highest importance that this question should be 'settled. If the right exists, it ought forthwith 'to be exercised."

From all these respectable authorities, I think it will not be rash in me to say, that, in the opinion of a majority of this nation, the time has arrived when a system of internal improvements, by the General Government, ought to be commenced.

The finances of the country, it is said by some, are inadequate, at the present moment; but it is my opinion that we cannot select a better plan of improving the funds of the country, than by improving the country itself. The value of the whole would be increased, and a capacity given to the whole to make greater exertions; more activity would be employed, and more produce raised. The redemption of the public debt would be accelerated, if I am not greatly mistaken. If the money, as it is wanted, should be borrowed, the amount would bear no comparison to the benefits which the public would derive from it. It seems to be an indisputable fact, that more money was expended during the last war, for the want of good roads and canals, than would be sufficient to complete all the permanent improvements that are essentially necessary.

The improvements must be a work of time; large sums would not be wanted at any one period; and if proper objects are selected in the beginning, a revenue will be coming in long before the whole is completed. The public expenditures would be spread over a period of fifteen or twenty years, and if, during that time, the General Government, with the aid to be derived from incorporated companies, would expend twenty or twenty-five millions, most of the prominent objects of internal improvement would be accomplished.

The committee who brought in the bill, have adopted what, in their opinion, is the only true plan. It is, to procure, in the first instance, the most accurate information that can be acquired on the subject, by the scientific men of the country. For the commencement of the proposed system, there will be no immediate demand on the Treasury for any large sum; twenty or twenty-five thousand dollars will be sufficient, and this will be divided between three or four years. It would consume that period to obtain the information. As the plan progresses, Congress can decide better of the correctness of the measure than now, and they can discontinue or pursue it at their pleasure.

The appropriation cannot be exceeded; and if it will not be sufficient to accomplish all the objects contemplated, the parts executed will be valuable. It is not like the case of a fortification, or the building of a ship; there, the whole must be completed, or the unfinished part will be lost; but, as respects this species of information, stop at any point you please, and the part executed will be useful.

If the whole information desired should be obtained, it will place the subject fairly before the people, and give them an accurate knowledge of the capacity of the country for internal improvements, together with the plans and estimated expenses. They will then be able to decide what is best to be done; whether the prosecution of the works could be commenced without effecting any change in the Constitution; if not, whether an amendment ought to be made to it. It would consume three or four years to obtain the information, and in the mean time, we could form a more correct opinion than at present, as to the permanent state of the Treasury.

The Secretary of the Treasury informs us, in his report, that, if the existing tariff shall, during the present session of Congress, be judiciously revised, for the purpose of augmenting the revenue, that it will not only be amply sufficient to defray all the demands upon the Treasury, at present authorized by law, but that there will remain an annual surplus, subject to such disposition, for the promotion of the public welfare, as the wisdom of Congress may direct. But, perhaps in a few years, we shall see the necessity of looking for a portion of the revenue from some source independent of the imposts.

When we reflect that we enjoy almost every degree of climate, with a population of ten millions, and an annual increase of nearly half a million, we must calculate upon an increase of productions of every description, both raw and manufactured. The duties on sugar, coffee, molasses, and lead, amount to about two and a half millions. It is very probable that there will be a diminution on these articles. The country is capable of making lead, sugar, and molasses, perhaps, equal to the extent of our consumption. Coffee, it is believed, can be raised, and, as the tree comes to maturity in a few years, the experiment can be soon made. Many of the tropical productions can be raised in the southern climates. Peter S. Chazotte and others, in behalf of the American Coffee-Land Association, petitioned Congress at the last session; they wished to purchase a small island for the purpose of raising coffee; they offered the minimum price, and to pay for the land as soon as the patents should be made to them. A hundred families belong to the Association. The agents of the Association had taken much pains to explore the country, and had been well acquainted with the cultivation of coffee in the West Indies. The island they wished to purchase is called Key Largo; it is connected with the main land by a narrow isthmus, and is situated between latitudes 25° 56′ and 25° 12′, and contains about twenty-four thousand acres of land; twenty-three thousand of which is supposed to be fit for cultivation. From the most respectable source, I have learned, that parts of the soil and climate of Florida are suitable to many productions, such as cotton, sugar cane, indigo, tobacco, resembling that of Cuba, oranges, grapes, olives, and many other descriptions of fruits, and that cochineal is fonnd in abundance.

The manufactories of the country are evidently

increasing: and this will make a slow but gradual impression on the imports. It ought to be the policy of every country to keep the balance of trade as much in its own favor as possible, as that brings into the country more gold and silver than is carried out.

It is true, as the Secretary of the Treasury has satisfactorily explained, that the real balance of trade cannot be ascertained, by looking at the table of exports and imports; and he has added to the exports, the profits of the trade of the Northwest Coast and Pacific ocean, as they arise principally from labor and enterprise. This, I think, is correct, except as regards the labor, which, to its amount in value, is equal to gold and silver; labor being the source of productions. With the same exceptions, I think he might fairly have added the profits arising from that part of commerce which consists in the exportation of foreign articles; as, with the profits earned, foreign merchandise can be purchased, without taking gold or silver from the country; and this trade has been considerable, and has amounted to upwards of twenty millions in one year. And, under the same restriction, the profits arising from every species of indirect trade, might be considered as exports; but a loss in any of those trades, would have a contrary effect.

If, however, it is difficult to ascertain the real balance of trade, one thing is certain, and that is, that any measure which is calculated to increase the productions and manufactures of the country, must have a tendency to keep the balance of trade in our favor, as it will inevitably lessen the importation for home consumption. The slight change in foreign commerce, which might be produced, would simultaneously be supplied in the home market; and, at no distant day, an increase of commerce might be anticipated in the exportation of manufactured articles.

Such a state, in our national affairs, would not affect the carrying trade, if we should ever again have an opportunity of enjoying it; nor that part of commerce which consists in the exportation of foreign articles; nor the trade of the Northwest Coast and the Pacific ocean. It could only have the salutary effect of lessening the importation for home consumption. Such a state of internal affairs would give a certain level and stability to all the pursuits of industry, which could not easily be disturbed by the fluctuations of foreign Powers.

Safe and cheap communication over our extensive country, by good roads and canals, are the best and surest means of bringing us to this state of real independence and prosperity; the resources of the country would be completely developed, which would make commerce flourish as much as any other branch of industry. The raw materials of the South and West could be transported, at a reasonable expense, to be manufactured in the Eastern and Middle States, where manufactories will first arrive at perfection, on account of the density of population—no part of this Union would be more benefited by this measure than New England.

The internal trade of a country becomes prodigious, when properly encouraged; and it is allowed by the ablest political writers to be the safest and most profitable trade that can be carried on; customers are acquainted with each other, and no sea risk is incurred. We see already more than two thousand sloops, of upwards of fifty tons each, engaged in the North river. In England, there are more than five hundred ships, none under two hundred tons, and many over three, which are employed in carrying the single article of coal from Newcastle to London. In China, it is said that, by means of their water carriage, their home market is nearly equal to the whole market of Europe.

To the reasons which I have already urged, I will add the one which, as it regards the political rights of man, is more valuable than all the rest; I mean the tendency of the measure to the preservation of the Union; and that it will have this tendency, all statesmen, who have reflected on this subject, accord in opinion.

I hope that the States of New England and New York, will not be indifferent on this subject, notwithstanding their advanced state of improvement. I am persuaded that they will be influenced by a generous policy; but, independent of these motives, they have not arrived at perfection, and, of the expenditures to be made, they will enjoy their due proportion. I am convinced that we cannot engage in any great political effort which would be more purely American, or which would better entitle us to the thanks of posterity.

In relation, Mr. Chairman, to the Constitutional question, I think that even common candor will admit that it is not involved on a bill that only seeks information. It might as well be said that we could not appropriate money to buy a book or a map; and besides, we are in the daily practice of exploring our coasts, and, in many instances, the beds and courses of rivers; but for fear that it may perplex, or in some shape influence the fate of the bill, I will beg the indulgence of the Committee while I make a few observations upon it.

I am as much a friend of State rights as I think a citizen of the United States ought to be. I have been in the habit of considering the States as so many pillars of the General Government. Originally, this motion was certainly correct, but now, being expanded over so vast a region, they may prove its weakness. I do not believe that the duration of this Union depends, in a very great degree, on the sword. It will be wise, to say the least, to make every effort, in the means of Congress, to bring the States as near together as possible by artificial ties, and to connect them as firmly as we can by the powerful influence of a profitable intercourse.

In the discussion of a Constitutional question, we must consider ourselves as citizens of the United States, as well as of the particular State to which we belong. The rights of each should be cherished with equal zeal.

The Constitution has invested Congress with certain enumerated powers, and I concur in the

opinion that the common defence and general welfare of the United States, is to be obtained by the due execution of these powers; otherwise, there would be no limits. But the framers of the Constitution foresaw that Congress would frequently have to legislate on implication, in relation to these powers; and, to remove all doubts as to the right which I presume would have existed, they gave this general power by an express grant. A power to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers, vested by this Constitution in the Government of the United States, or in any department or office thereof. From the nature of this power, no boundaries could be given. It is left on the broad principles of genuine construction. The enumerated powers were acted upon by the first Congress; but to give them greater efficacy, and the more completely to put them into execution, the principal acts of legislation since have been founded on the constructive powers.

It is curious to witness the alarm which is occasionally excited concerning the exercise of constructive powers, when Congress is never in session a week without acting upon them. We have only to look at the statute book for instances—see the laws relating to fugitives who are held to service or labor in any of the States; the laws regulating the carrying of the mail; the Bank of the United States; the Military Academy; lighthouses, and trading houses among the Indians, are all creatures of constructive power. So are the laws relating to revenue cutters, the navy hospitals, pensions, and gratuitous grants of money: and in the same class may be placed the laws concerning vaccination, and for the cultivation of the vine. By mere implication, through the treaty-making power, territories have been acquired which are large enough for many empires; and under the same constructive power the inhabitants have been received into the American family and made citizens. We do not enjoy our library, maps, or stationery, by virtue of any express power. Yes, Mr. Chairman, we not only make laws which are the mere offspring of constructive powers, but we enforce those laws by high penalties, and the sanguinary punishment of death.

Congress has power to establish post offices and post roads, and there is not another word on this subject in the Constitution; but Congress has passed laws for the carrying of the mail, and for a violation of these laws mail robbers have been executed. My own opinion is, that Congress has a right to protect, and carry into complete effect, any law which it can constitutionally make; but I speak with becoming deference, after what has passed in relation to the Cumberland road. In this case, if I understand it, it is admitted that the road has been made by the General Government upon Constitutional principles. The General Government, then, rightly undertakes to perform a superb national work, to connect two parts of the country, which are separated by a high and broad mountain, but so feebly is she in power that she cannot protect the workmen from being disturbed. They act under an authority which is Constitutional when they put down the stones to construct the road, but the first stranger that comes along, without the danger of violating the Constitution, or any law that could be made, may take them up at pleasure. The United States cannot punish him, for fear it would be an infringement of State rights: to say the least, I think such an anomaly does not attend any other act of the General Government.

I think there is an error in the reasoning against the Cumberland road bill, in relation to the jurisdiction supposed to be necessary, if Congress possesses power to make roads and canals.

It is believed, if I understand the Message rightly, that a jurisdiction would be acquired similar to that in the ten miles square; or where forts, magazines, or other public buildings are erected on lands purchased by the consent of a State; but that would not be the case—Congress would only have a protecting power over its own law. Surely Congress can pass laws to inflict a punishment for stealing or defacing the papers in a custom-house, or the records of a court; still, a larceny committed by one stranger on another in a custom-house, or a court room, or even in a mail coach, would be only of State cognizance. The sea, for a certain distance, belongs to the adjacent States, as a part of their domain; but such parts of the sea, and the mouths of rivers, are covered with revenue cutters, possessing high and arbitrary powers—such as boarding a vessel by force, and nailing down the hatches—yet these acts, which are merely to protect an United States law, have never been considered as any infringement on State rights. Crimes committed on roads and canals, made by the General Government, would be cognizable in the State courts, except such offences as did an injury to the road or canal. When it is necessary to take private property for public use, to carry into execution any of the enumerated powers, no State jurisdiction follows. Crimes committed on the lands thus taken would be cognizable in the State courts, unless it is a crime for defeating the object of the United States law. As to the right of taking private property I will attend to it hereafter.

Congress has frequently sustained this power. All the acts relating to roads and canals in the new States are in affirmance of it. It has been the constant practice to allow to the new States five per cent. of the net proceeds arising from the sales of public lands, to be laid out in the construction of roads and canals. Three-fifths are generally to be expended within the States, and two-fifths are to be expended under the direction of Congress, in the making of roads and canals leading to the States. Large sums are annually expended in this manner, as the sales often amount to a million and a half per annum.

Why are these roads and canals to be made under the direction of Congress, if Congress has no substantial jurisdiction over the subject-matter? Ohio was the first State to which this principle was applied, at as early a day as 1802, and since that nearly two millions of dollars have been

expended on the Cumberland road. No distinction is attempted to be made between the raising of money by the sale of land and taxes, nor can Congress, it is acknowledged, derive sovereign power by becoming a party to a compact, or by the consent of a State.

I confess that the observations made concerning the appropriation of money, is the only part of the very able Message I am referring to, that is not perfectly plain to me. After speaking of the raising of money, it says, that the use or application of the money, after it is raised, is a power altogether of a different character—it imposes no burden on the people. And, if I understand it correctly, in another part it says, that money may be expended in the performance of acts not strictly authorized by the specific grants of power. What has been the doctrine on the subject of the appropriation of money, in the early stages of the Government, I cannot say. I have never so particularly attended to it before.

It is certain that there is nothing more anxiously guarded than the raising of money. All bills to raise revenue, must originate in the House of Representatives; and our own rules will not admit of even an amendment in the House to increase a tax, or prolong its duration. It must be done in the Committee of the Whole, where there is a great latitude of discussion. After such precaution in bringing money into the Treasury, it ought to continue when we are about to take it out. Indeed, there is more danger in the misapplication of dead money, in the Treasury, than in properly raising it; for, while the hand of the tax-gatherer is on the people, they will be more watchful of the rulers. As to its imposing no burden on the people, it is clear that, if the money in the Treasury is misapplied, taxation must be resorted to so much the sooner.

My own opinion is, that both the raising and the appropriation of money, must depend on a fair construction of the Constitution. If you can go beyond the limits of the specific powers in the one case, so you may in the other. If you can expend money for a purpose out of these limits, you can raise it for the same purpose. A liberal construction, where it leads to good, of the powers to carry into effect the enumerated grants, will give scope sufficient for the appropriation of money. I have very sparingly made citations from the Message, for fear of mistaking it. If any of my views come in collision with it, they may be considered as an answer. It is a subject on which the mind of the President has undergone a change.

I can perceive no way to escape. Congress must have power to make roads and canals, or the laws I have referred to, are unconstitutional. The appropriation of money to make the Cumberland road, to all intents and purposes, involved this power.

On the subject of roads, I will refer to one other law, which passed in 1806. It authorized the President to open a road from Nashville, in the State of Tennessee, to Natchez, in the Mississippi Territory; this road was to pass through a State without even asking consent.

In the year 1818, this House adopted the following resolution:

"*Resolved*, That Congress has power, under the Constitution, to appropriate money for the construction of post roads, military roads, and other roads, and of canals, and for the improvement of water-courses."

Motions were made to strike out the words "other roads," and to postpone indefinitely, but both were negatived. The votes on this resolution, were—yeas 90, nays 75. The House finally, on the 4th of April, 1818, adopted the two other resolutions, which I have referred to.

I am acquainted but with one instance where land was taken by the General Government for public use, against the will of the owner; and that was in the case of the Cumberland road. A gentleman, his name, I think, was Good, was displeased at the course which the road took through his farm, and he carried his unwillingness against the direction of the road, so far, that he even declined to participate with the Government in the appointment of appraisers. He petitioned Congress for redress on four several occasions, and each committee to which his case was referred reported against him, and these reports were confirmed by this House. He was a Virginian, and he applied to his own State Legislature, but without success.

Congress has a right, in the exercise of its sound discretion, to pass any law which it may deem necessary, to carry into effect any one of the enumerated powers; and for this purpose Congress is clothed with power to take private property for public use, on paying for it a just compensation. This power was supposed to exist, and doubtless it did, before the amendments of the Constitution, which may be considered as the bill of rights. In these amendments, it is not restricted as to objects, nor is it confined to times of peace or war. The single restriction is, that a just compensation shall be given. In other respects it is left as broad as ir was before; and that must be whenever Congress shall deem it necessary to carry into execution any of the enumerated powers. Generally speaking, no embarrassment will be experienced in purchasing such situations as may be required. State courthouses and jails are used by the General Government, by a kind of courtesy; but suppose they could not be obtained in this way, or by purchase? Congress must have power to take private property for public use, paying a just compensation, or be incapable of carrying into execution the express grant of power, to ordain and establish inferior courts, from time to time.

Congress has power to regulate commerce with foreign nations, and among the several States, and with the Indian tribes. I will not criticise on the word regulate; its general meaning I take to be the authorization of any act that would be advantageous to commerce among the several States. How is the internal trade of a country usually carried on? Where the country is advanced, its transportation is principally along canals; and cannot Congress facilitate the mode of its transportation? Nothing is of higher impor-

tance to this nation than its internal trade; it flows from the great pursuits of industry, and embraces every art and labor; it spreads over an immense region, abounding with minerals and the productions suitable to our variety of soil and climate, and the greatest embarrassment it ever can labor under, is the distance of the places between which it is carried on; and this can only be subdued by good roads and canals. What other law or regulation could you make, that would be of the one-hundredth part of the same advantage to it?

How do you best regulate the affairs of the nation? It is by enacting laws adapted to each subject-matter, with a view to its advantage or improvement. To regulate commerce with foreign nations, consuls are appointed for the accommodation of merchants; and we have erected lighthouses, piers, buoys, and beacons. To regulate commerce with the Indian tribes, roads have been made in the Indian territory, and trading-houses have been established, complicated with superintendents, agents, and sub-agents. There are near a hundred lighthouses, and ten or twelve lightships with lights suspended from the masts, and some of them supplied with large bells.

What is the object of these lighthouses and light-ships, and this class of powers constantly exercised by Congress? Is it not to lessen the price of transportation, by removing dangers and rendering the navigation more safe and secure? In these laws no mention is made of a single article of merchandise; nothing is said about duties, or about buying or selling, or of drawbacks or debentures; the sole object is to lessen the price of transportation. And when we find the power to regulate commerce among the States, given by the same sentence, and expressed by the same words, why can we not apply the principle to the regulation of commerce among the States? Why can we not lessen the price of transportation? Can any man living make a sensible distinction? I think I may safely appeal to the Committee, and to the nation at large, whether good roads and canals would not be of more advantage to the internal trade of this country than the Bank of the United States was to its fiscal concerns? There is no instance of the exercise of a constructive power, since the commencement of the Government, which was more beneficial to the principal grant than this would be.

Before the adoption of the Constitution, the several States could have regulated the commerce between themselves, by the means of roads and canals; but the Constitution has restricted the States from entering into treaties or contracts, and now they have no direct means of regulating commerce among themselves, in any way. It seems to follow, as a necessary consequence, that the whole power which previously existed on this subject, among the States, as sovereignties, is carried to the general head, where it can be exercised to so much greater advantage.

Can it be supposed that the framers of the Constitution looking forward to the future glory of this nation, and being acquainted with the benefits of canals to internal trade in other countries, could have intended to prostrate all power on this subject, in a national point of view? The framers of the Constitution were too wise to attempt to particularize any of the incidental powers; they knew the impracticability of it. To mention one, might be considered as an exclusion of another, and they left them all on the broad basis of the exercise of a sound discretion by Congress. They may or may not have thought of lighthouses; but, if they did, it was safest to say nothing about them. It was their study, in these cases, to be general and not particular.

The objects which clothe Congress with power must be national, and reaching beyond State sovereignty; but whatever may be deemed necessary to regulate the internal trade of the nation, does not belong to the States. As to State jurisdiction none will follow, as I have already explained, and as to the taking of private property, no danger can be apprehended from it. The owners of property generally get too well paid. Purchases could be made, appraisements would seldom be resorted to, and, when necessary, the appraisers could be selected from the particular State, as being the best judges of property there. It only appears a little novel, because we are not familiarized to it. Many who oppose the measure on Constitutional grounds, do not object to the nature of the power; they are willing to change the Constitution to attain it. The exercise of the power would be welcomed, for whenever it would be used it would enhance the value of property. If there is any danger about it, it is that the General Government would do too little, instead of doing too much. I will tell the honorable Committee how I think the power is derived.

Rivers and canals being the usual channels through which the internal trade of a country is carried on, the power of making canals and portages, as links in the chain of inland navigation, is derivable from that clause in the Constitution which gives a power to regulate commerce among the several States. That roads, which are necessary as post roads, may be made under that clause of the Constitution which invests Congress with the power to establish post offices and post roads; and that roads for military purposes may be made under that part of the Constitution that gives Congress power to declare war, and to raise and maintain an Army. You may prepare for war in time of peace; and a road for military purposes may be as necessary as guns and ammunition. We should give no construction to the Constitution which would be dangerous to liberty; in such cases let opposition be repeated—but where the common defence and general welfare of the United States are the leading and sincere motives, the construction should be liberal; and that can be the only meaning of that general expression in its application to the constructive powers. It is for the happiness of the people that we should early arrive at settled notions respecting the Constitution, and it is the genius of our Government that the minority should give way, at least so far as to receive frequent precedents, as evidence of rightful

construction. The construction of the Constitution in these cases should be more liberal than in the case of an ordinary law. If there exist doubts about your law, change it; this will do no harm, but it will be dangerous in the extreme, if, for every little doubt and uneasiness concerning the powers under the Constitution, we must be continually resorting to changes. The sacredness of the instrument would be destroyed; it would be looked upon only as a common statute law; the amendments would be as susceptible of doubts as the original instrument. Is it desirable, as a precedent, that the majority should change the Constitution to please the minority?

Mr. Chairman, I consider the Constitution as the most wonderful political instrument that ever was invented by human beings, and I tremble at the thought of touching it. I wish to see the idea cherished of handing it down to posterity as an American family-piece, no further impaired or changed. It will become the more venerable for its age and ancient appearance. But where is the necessity for a change in this case? A liberal construction will be sufficient, and I will ask, in what age or nation, whether the government was a democracy or a despotism, has the power of improving a country been abused? In none that I know of. History furnishes us with no complaints here.

I will detain the Committee a little longer, with their indulgence, on the subject of post roads. The language of the Constitution is, that Congress has power to establish post offices and post roads. It is said that this gives the power only to select a road in being, and not the right to create or make a road. We do not resort to a dictionary on these occasions for the meaning of words; but it is of importance to know their acceptation in State papers, in legislative acts, and in other parts of the same instrument. From these sources we will discover that the word establish means to create, and not merely to designate, a thing in being. In the first treaty we had with France, it is stated to be the desire of the parties to establish suitable regulations between the two countries—a similar expression is used in our treaty with England. I have not taken much pains to search for the word in legislative acts, but the Committee will recollect the phraseology in many of our acts of Congress. There is an act to establish Navy hospitals; there is another to establish trading-houses, to trade with the Indians. The word is used in the same sense in the Articles of Confederation—it speaks of the regulations to be established by Congress. In another part it says that the United States, in Congress, shall have the sole right of establishing and regulating post offices from one State to another throughout all the United States.

In another part, there is a clause for establishing rules for the deciding, in all cases, what captures on land or water shall be legal, and for establishing courts of appeal. The word is used in no other sense in any part of the Constitution. It begins with the words "ordain and establish this Constitution." It speaks of such courts as shall be established from time to time; and that the ratification of nine States shall be sufficient for the establishment of this Constitution. It gives Congress a power to establish an uniform rule of naturalization, and it is evidently used in the same sense in the very clause now in question—to establish post offices and post roads. As to offices, it is clear it means to create. Why change the words from those used in the Articles of Confederation, if it was not to enlarge the power? In the Articles of Confederation nothing is said about roads.

I will lay down a position which, I think, cannot be controverted; and that is, when Congress is invested with a power, the exercise of that power cannot be defeated by the States. Congress has power to carry the mail; but, if the States have a right to shut up the road, that power could be defeated. Congress establishes a State road as a post road—Can the State vacate the road? If so, the mail could be stopped by any State. You have a right to make fortifications—you fix on the most advantageous spot—but, according to the opposite doctrine, you have no power to make a road to it; and if there happens to be a State road leading to it, the State can vacate it at pleasure! Is it possible that this was the design of the Constitution? These contracted notions about the construction of the Constitution are detrimental to the rise and consequence of this country. It is a lamentable circumstance, that the efforts of the people in favor of internal improvement, by the General Government, have been so far paralyzed by a scrupulous distinction. The powers of Congress are large and numerous; and that Congress should have power to lay and collect taxes; to declare and carry on war; to take public property for private use; to regulate commerce among the several States; and to carry the mail throughout the Union; and at the same time to be so cramped and confined as to have no control over any of the avenues through which the great scenes of the nation are to be transacted—not even so far as to remove an obstruction in a road, or a rock out of a river,—does appear to me to be inconsistent with that wisdom which has always been ascribed to the enlightened body who made the Constitution.

I fear I have too much exhausted the patience of the Committee; and I have nothing to offer as an apology for claiming so much of their attention, except the very interesting character of the subject under discussion.

When Mr. Hemphill had concluded—

Mr. Mitchell, of South Carolina, next assigned the reasons why he should vote for the bill. He approved it as a means of obtaining information useful to every department of the Government, and to every individual in the nation; and not as part of a system of internal improvement, to which he was opposed.

Mr. Wright opposed the bill altogether, as contrary to the letter of the Constitution, which, he contended, gave to Congress no authority to commence a system of internal improvement.

When Mr. Wright concluded, the question was taken on Mr. Barbour's motion to strike out

the first section of the bill, and decided as follows: For striking out the section 56, against it 62.

So the motion was negatived.

[The House being thinly attended, this vote was not regarded as a decisive one.]

The Committee then rose and reported the bill to the House.

And the question being on ordering the bill to be engrossed and read a third time—

Mr. EDWARDS, of North Carolina, moved to lay the bill on the table.

On this question, Mr. NELSON, of Maryland, required the yeas and nays to be taken.

Mr. HARDIN asked if it would be in order so to amend the motion as to lay the bill on the table until a day beyond the session—(the 4th March?) He thought enough of the time of the House had been occupied with it.

The SPEAKER said the amendment would not be in order.

The question was then taken on ordering the bill to lie on the table, and decided as follows:

YEAS—Messrs. Abbot, Alexander, Archer, Barber of Connecticut, Barstow, Bassett, Bigelow, Borland, Butler, Cambreleng, Cannon, Carter, Cassedy, Cocke, Colden, Conkling, Conner, Crafts, Cuthbert, Dane, Edwards of North Carolina, Eustis, Floyd, Fuller, Garnett, Gebhard, Gilmer, Gorham, Hardin, Harvey, Hawks, Herrick, Hubbard, Jones of Virginia, Keyes, Kirkland, Lathrop, Leftwich, Lincoln, Litchfield, Long, McCoy, Mattocks, Mitchell of Pennsylvania, Montgomery, Morgan, Murray, Nelson of Massachusetts, Pierson, Reed of Massachusetts, Reid of Georgia, Rhea, Rodney, Ruggles, Russ, Russell, Saunders, Arthur Smith, Alexander Smyth, A. Stevenson, Thompson, Tomlinson, Tucker of Virginia, Tucker of South Carolina, Van Rensselaer, Van Wyck, Walker, White, Williams of Virginia, Williams of North Carolina, Williamson, Wilson, Wood, and Wright—76.

NAYS—Messrs. Allen of Tennessee, Barber of Ohio, Bateman, Baylies, Bayly, Blackledge, Buchanan, Burrows, Campbell of Ohio, Chambers, Condict, Cook, Cushman, Darlington, Durfee, Dwight, Eddy, Edwards of Connecticut, Edwards of Pennsylvania, Farrelly, Findlay, Forrest, Forward, Gross, Hamilton, Harris, Hemphill, Hill, Holcombe, Ingham, Jackson, Jennings, F. Johnson, J. T. Johnson, J. S. Johnston, Jones of Tennessee, Kent, Little, McCarty, McLane, McSherry, Mallary, Matlack, Mercer, Metcalfe, Mitchell of South Carolina, Moore of Virginia, Neale, Nelson of Maryland, Newton, Patterson of Pennsylvania, Phillips, Plumer of New Hampshire, Plumer of Pennsylvania, Rich, Rochester, Rogers, Ross, Sloane, W. Smith, Sterling of New York, Stewart, Swan, Tattnall, Taylor, Trimble, Udree, Vance, Walworth, Warfield, Whipple, Woodcock, and Woodson—73.

So the bill was ordered to lie on the table.

WEDNESDAY, January 15.

Mr. EUSTIS, from the Committee on Military Affairs, to which was referred the bill from the Senate, entitled "An act for the relief of Robert Purdy," reported the same without amendment, and the bill was committed to a Committee of the whole House to-morrow.

Mr. RUGGLES, from the Committee of Accounts, to which was referred an inquiry respecting the payment of newspaper accounts, made a report, that no further provision was necessary in relation thereto; which report was agreed to.

Mr. KENT, from the Committee on the District of Columbia, reported "a bill to alter the times of holding the circuit courts for the District of Columbia, and for other purposes;" which bill was twice read and committed.

The resolution laid on the table yesterday by Mr. STERLING, of New York, requesting the Secretary of War to communicate what progress has been made towards the completion of the military road leading from Plattsburg to Sackett's Harbor, in New York, how much is unfinished, the probable expense of completing the same, with any information in his possession, showing the importance of said road in a military point of view, was read and agreed to.

Mr. HEMPHILL gave notice that he would, on Monday next, call up the bill, yesterday laid on the table, to procure surveys and estimates for certain roads and canals.

The engrossed bill entitled "An act in addition to 'An act for the more prompt settlement of the public accounts, and for the punishment of the crime of perjury,'" was read a third time, passed, and sent to the Senate for concurrence.

The House took up, and proceeded to consider, the report of the Committee of Claims, made at the last session, on the memorial of Amasa Stetson. Whereupon, it was ordered that the said report and petition be committed to the Committee of Claims.

On motion of Mr. HERNANDEZ, the Committee on the Public Lands were instructed to inquire into the expediency of altering and amending an act, entitled "An act for ascertaining claims and titles to lands within the Territory of Florida," passed the 8th day of May, 1822.

On motion of Mr. HERNANDEZ, the Committee on Commerce were directed to inquire into the expediency of erecting a lighthouse at the entrance of the port of Pensacola, in the Territory of Florida.

The Committee of the whole House to which is committed the report of the Committee on Naval Affairs, made at the last session, on the petition of Thomas Kemp, was discharged from the further consideration thereof, and the report and petition were recommitted to the Committee on Naval Affairs.

AMENDMENT OF THE CONSTITUTION.

Mr. REID, of Georgia, rose, and said that the bill providing for the execution of certain surveys, and for the collection of topographical information, with a view to a system of internal improvements, was yesterday ordered to lie upon the table, by a vote of this House. I was, said he, one of the committee by whom that bill was reported, and, although quite willing to afford the honorable chairman of the committee an opportunity to make an experiment, the measure did not altogether meet my approbation. My objections to the bill are not to be found, however, in Constitu-

tional scruples. I believe that Congress does possess the power to establish roads and construct canals. But I am aware that there is much diversity of opinion upon the subject. A large portion of the people entertain the opinion that we have not the power, and the Chief Magistrate has recently expressed his conviction to the like effect. Under these conflicting sentiments, I do not believe that any system of internal improvement, however well devised by Congress, would be efficient, because concert and harmony are necessary to its prosperity. It would seem, therefore, that our first step should be a settlement of this question. This can only be done by an amendment of the Constitution, which shall give to Congress the power alluded to, in terms so explicit as to preclude all dispute. Such an amendment is now offered, viz:

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, two-thirds of both Houses concurring, That the following amendment to the Constitution of the United States, be proposed to the Legislature of the several States, which, when ratified by the Legislatures of three-fourths of the States, shall be valid, to all intents and purposes, as part of the said Constitution, to wit:

"Congress shall have power to establish and construct roads and canals."

This joint resolution received its first reading, and lies on the table.

SURVEYORS OF PUBLIC LANDS.

The resolution, moved by Mr. Vance, of Ohio, yesterday, was taken up, and read in the following words, viz:

Resolved, That the Secretary of the Treasury be instructed to lay before this House a statement showing what contracts for surveying lands of the United States, in Missouri, Illinois, and Arkansas, have been made by the Surveyor General thereof, since the year 1817; with whom made, for what quantities, to whom the payments therefor were made in each case; also, whether the surveying was actually performed by the original contractors in person, or by others under subcontracts; if by others, at what price per mile the subcontractors performed the work in each case; also, the difference, if any, between the amount paid by the United States for such surveying, and the amount received by the actual surveyors of the land.

Mr. Scott, of Missouri, moved to amend the resolution, by striking out the words "in Missouri, Illinois, and Arkansas, have been made by the Surveyor General thereof since the year 1817," and inserting, in lieu thereof, the words "have been made by the several Surveyors General and principal deputy surveyors, since the year 1805."

Some remarks were made by Mr. Vance, to the effect that this amendment, by calling for more information than could be furnished within a reasonable time, would be to defeat the object of the inquiry; to which Mr. Scott replied, that this was by no means his object, his desire being to examine the whole subject, in all its details.

Mr. Cocke, of Tennessee, said, if this amendment were to prevail, the Department would not be able to furnish, during the present session, the information required. It was unnecessary for him to mention the reports, from high authority, too, of the practices in relation to contracts and subcontracts, by the Surveyor General and his deputies. Before he voted for this amendment, he said, he should like to know why the House was to go back to 1805, to examine the transactions which are closed, and satisfactorily settled. At the last session of Congress, a great deal had been said upon this subject, and the appropriation required had been withheld in consequence of the statement of the manner in which the surveys had been made. If his information was correct, Mr. C. said, it would be found that there have been impositions practised in this business. He wanted an investigation of these transactions, without clogging the resolution with all this surplus matter. What information can these old accounts afford us? He, for one, wished to know what contracts had been made, and what prices have been given. He had been told that, in some cases, when the maximum was given, the lands had been actually surveyed at a charge of fifty cents only per mile. It had been stated that one sub-contract was given to a boy about eleven years of age! On his first arrival here, Mr. C. said, he wrote a note to the Secretary of the Treasury, giving him information of what he had heard, that he might examine into it. He had also had several conferences with the Surveyor General himself upon the subject, in this city, and found him fully apprized of the reports which are in circulation.

Mr. Cook, of Illinois, suggested to Mr. Scott the propriety of withdrawing his amendment. There are, he said, $80,000 due to individuals who have rendered services in the surveying of the public lands, most of them residing in the State of Illinois. They have already laid out of their money more than a year, and the payment of them ought not to be deferred, as it probably would be, if this resolution were to be made so comprehensive, by the adoption of the amendment, that it cannot be accomplished during the present session. If the Surveyor General has done wrong, he will not seek to be sheltered under what has been done by other surveyors; and, if he has done right, there will be still less reason for pushing the inquiry down to the year 1805. He wished the House to get at the facts as directly as possible, that those who have rendered services to the Government should not be kept longer out of their money. The officer against whom these charges are now made, it was but just to say, had always, previously to this, sustained an unimpeached character.

Mr. Scott said he could not consent to withdraw his motion to amend the resolve. It was the object of the gentleman who seemed to be particularly pointed at in the debate, as well as by the terms of the resolution, to have a general investigation of his conduct. That gentleman came into office in 1805, and was for a time the principal deputy surveyor under General Mansfield. Since that time, he had seen the principal surveyor for Indiana, Illinois, Missouri, and Arkansas. It is the object of that gentleman to have an investiga-

tion into every portion of his conduct from his commencement in public life. He is willing that the House shall be put in possession of the facts in relation to himself and to all others engaged in that business, and by these facts to stand or fall. Can I, then, said Mr. S., consent to investigate his conduct as far back as 1817, and cast a veil over his conduct in preceding years? I would not consent to so limited an inquiry; as a public agent, I would not consent to do it. I wish to know the whole truth of the business, and to see in what manner he, compared with others, has discharged his duties. Mr. S. said, he was far from wishing to postpone this inquiry. It would take but a very few days to collect the additional documents for which he now asked, as an abstract of the facts or settlements only was wanted. It was to repel the slanders which had been put in circulation against this man, that he wanted this information.

Mr. COCKE said he should be perfectly willing to fix the time in the resolve at the 1st of January, 1819, having been told that the accounts had been settled up to that year. Why go beyond the date at which the complaints of misconduct commence? He had been told, he said, that this man was known to have been a very honest, good man up to this time. He was willing, he repeated, to begin with the 1st of January, 1819, which would cover the whole ground on which there is any complaint.

Mr. FLOYD, of Virginia, said he hoped this amendment would prevail. If this gentleman was guilty, as suspected, it was due to the House and to the nation, and, if otherwise, it was due to the individual, that he should have an opportunity to explain his whole course of public conduct. Let us have an opportunity of seeing the whole, said Mr. F. I have no hesitation in saying, if reliance can be placed upon character at all, that whatever suspicion of misconduct applies to him (General Rector) will be found utterly groundless. But if it have a foundation, it is the duty of every member to aid in exposing it. Let his whole course of conduct be examined, said Mr. F. I have often been deceived in men; but I have no hesitation in declaring my clear conviction to be, that the suspicion of this man will prove, when examined, to be utterly groundless.

The question was taken on Mr. SCOTT'S amendment, and determined in the affirmative—54 votes to 52.

Mr. SLOANE, of Ohio, moved to strike out the latter part of the resolution, beginning with the words "if by others," &c. His reason for this motion was, that he did not consider the information important, and he did not see how the Treasury Department could give it, if ever so important. Nothing was more common than for contractors to execute their contracts by the agency of subcontractors, &c. Mr. S. took occasion to observe, that he was willing to have every information which gentlemen might wish, to aid them in the discharge of their duties, but he was always opposed to resolutions pointing at particular individuals, without making specific charges against them, &c.

Mr. MCCOY said, he hoped the amendment would not take place. He had long been of opinion that the United States were paying more for the surveys of the public lands, than was required for that object. Whether the information asked for would be obtained or not, he did not know; but, if it could, the United States ought to have it. He was very sure, he said, that the public lands could be surveyed for a great deal less money than is allowed by law for that purpose. The information we have is such as to induce us to inquire whether we ought not to regulate differently the price to be paid for the surveys of the public lands, and whether it cannot be done hereafter for less money.

Mr. VANCE stated, that the price for surveying the public lands is not fixed, the law only providing that it shall not exceed three dollars per mile. He did not know whether this information could be obtained at the Treasury or not; but, if it could not, it ought to be, &c. As the resolution now stood since the amendment of it, however, he felt little interest in it. It would take two months to get the information, and the object of the resolution would thus be defeated.

Mr. SCOTT said he hoped this amendment would not prevail. No information of any value would be obtained, indeed, by the resolve, unless that part of it was retained. Mr. S. wished to have all the particulars required by the resolve. If the Department could not give the information, it would be easy for it to say so; and if the information could be, it ought to be obtained.

The question was then taken on the amendment proposed by Mr. SLOANE, and decided in the negative.

Mr. COCKE was not satisfied that this resolution now contained all the information which was required for a full understanding of the subject. To enable him to examine it further, although opposed to the least unnecessary procrastination, he moved to lay the resolve on the table.

This motion being agreed to, the resolve now lies on the table.

COLLECTION OF IMPOSTS.

On motion of Mr. MCLANE, the House proceeded in Committee of the Whole to consider the bill "supplementary to, and to amend an act, entitled 'An act to regulate the collection of the duties on imports and tonnage,' passed the 2d of March, 1799, and to repeal an act supplementary thereto, passed 20th April, 1818, and for other purposes."

[This bill is very long. SEC. 1 provides that, from and after the third of March, no goods, subject to ad valorem duty shall be admitted to entry unless the true invoice of the same be presented to the collector at the time of entry, or unless the same be admitted in the mode authorized and prescribed in the next ensuing section of this act.

SEC. 2 provides that when no invoice of such goods has been received, the owner, &c., shall make oath thereof, and the Secretary of the Treasury shall be authorized to cause them to be appraised—the owner to give bond to produce the invoice within eight months if from European ports, and fifteen months,

if from beyond the Cape of Good Hope or Cape Horn, or from the Cape of Good Hope.

Sec. 3 directs that, where goods are not entered in pursuance of this or any other revenue act, the same shall be deposited in the public warehouse. After remaining in the warehouse for eight or fifteen months, as the case may be, the said goods to be sold, &c. Perishable articles to be exposed to earlier sale, if necessary.

Sec. 4 prescribes the oaths, in cases of goods entered by invoice, to be taken by the owners, importers, consignees, or agents.

Sec. 5 prescribes the manner in which the ad valorem rates of duty upon goods shall be estimated, viz: by adding to the actual cost of all charges, except commissions, outside packages and insurance, and also 20 per cent. on the said costs, &c., if imported from or beyond the capes.

Sec. 6 provides that no goods subject to ad valorem duty, belonging to residents, but not at the place where the same are intended to be entered, shall be admitted to entry, unless bond be given to produce to the collector within four months the invoice, duly verified by the owner's oath.

Sec. 7 provides that no goods imported and belonging to non-residents, shall be admitted to entry unless the invoice be verified by the oath of the owner to his ownership and to the actual cost of the goods.

The bill contains in all thirty-seven sections of minute detail, of which the preceding synopsis of seven of them may give an idea. The appraisers are to continue to be appointed as now provided by law. The occasional appraisers are to be allowed five dollars per day, and to be fined fifty for each refusal to act. A third disinterested person may be called in to join the appraisers where a first appraisement shall not be satisfactory, &c.]

The bill having been read through—

Mr. Colden called for the reading of the memorial of the Chamber of Commerce of the city of New York, favorable to the general object of the bill; which was read.

The bill was then read over by sections for amendment.

On motion of Mr. Gorham, the bill was amended so as to extend the time allowed for voyages beyond the Cape of Good Hope or Cape Horn, or from the Cape of Good Hope, from *fifteen* months, as it stood in the bill, to *eighteen* months.

Several other amendments were made to the details of the bill, on motion of Mr. McLane.

Mr. Barstow offered for reading, though he had not an opportunity of formally presenting it, a memorial from the merchants of Salem, praying the bill now before the committee may pass into a law; and the memorial was read.

Various other amendments were made to the bill, in arranging which the following gentlemen took an active part, viz: Messrs. McLane, Cambreleng, Taylor, Walworth, Ingham, Gorham, Colden, Burrows, McKim, Tomlinson, and Nelson of Massachusetts.

The most important amendment proposed seemed to be that proposed by Mr. Ingham, to substitute *the current value* at the ports whence shipped, for the *cost* or *actual value*, as the basis on which to estimate the duties on goods paying *ad valorem* duties.

This amendment was supported by Messrs. Ingham, Walworth, Burrows, and was opposed by Messrs. Gorham, Colden, McKim, Tomlinson, McLane, Cambreleng, and Nelson of Massachusetts.

In the end, the amendment was negatived.

After some further time spent on the bill, the Committee rose, and the House adjourned.

Thursday, January 16.

Mr. Hemphill (by leave of the House) presented a memorial of the Philadelphia Chamber of Commerce, praying that the bill now pending before this House, "supplementary to, and to amend an act entitled an act to regulate the collection of duties on imports and tonnage," passed 2d of March, 1799, and to repeal an act supplementary thereto, passed 20th of April, 1818, and for other purposes," may be passed into a law, with certain modifications and amendments therein suggested; which memorial was read, and committed to the Committee of the whole House, to which the said bill is committed.

Mr. Williams, of North Carolina, from the Committee of Claims, reported a bill for the relief of Samuel Wharton; which was read twice, and committed to a Committee of the Whole.

Mr. Williams also made a report on the petition of Richard Hightower, accompanied by a bill for his relief; which bill was read twice, and committed to a Committee of the Whole.

The Speaker laid before the House a letter from the Secretary of the Treasury, transmitting the estimates of appropriations necessary for the service of the year 1823; which were referred to the Committee of Ways and Means.

The Speaker also laid before the House a report from the Secretary of the Treasury, on the petition of Abraham Snyder; which was ordered to lie on the table.

The Speaker laid before the House a letter from the Secretary of the Navy, transmitting the information required by the resolution of the 7th, in relation to the surgeons in the Navy of the United States; which were ordered to lie on the table.

UNITED STATES COURTS IN LOUISIANA.

Mr. J. S. Johnston, of Louisiana, from the Committee on the Judiciary, reported the following bill:

A Bill for the better organization of the district court of the United States within the State of Louisiana.

Be it enacted, &c., That, for the more convenient transaction of business in the courts of the United States within the State of Louisiana, the said State shall be, and the same is hereby divided into two districts, in manner following to wit: The counties of Attakapas, Opelousas, Rapide, Natchitoches and Ouachita, shall compose one district, to be called the western district of Louisiana, and all the remaining part of the said State shall compose another district, to be called the eastern district of Louisiana; and all

criminal actions, or civil suits, which have arisen in the western district, together with all process, writs, recognizances, and records belonging thereto, shall be transferred to the western district; and that terms of the district court in the said eastern district shall be held at the periods, and in the manner now prescribed by law; and there will be, annually, one stated session of the said court in the western district of the State, to be held at Opelousas courthouse, to commence on the third Monday of August; and the district judge of the United States for the State of Louisiana is hereby authorized and required to hold special sessions of the said court, in the said western district, for the trial of civil or criminal causes, whenever he may deem it expedient: That all process, writs, and recognizances, of every kind, whether respecting juries, witnesses, bail or otherwise, which relate to the cases to be tried at the said special sessions, shall be considered as belonging to such sessions, in the same manner as if they had been issued or taken in reference thereto: That any special session may be adjourned to any time or times previous to the next stated meeting of the district court. That all business depending for trial at any special court, shall, at the close thereof, be considered as of course removed to the next stated term of the district court. The said judge shall receive an additional annual compensation of five hundred dollars for his services. The said judge shall appoint a clerk of the said court in the western district, who shall reside and keep the records of the court at the place where the sessions of the court are held, and shall receive for the services performed by him an annual compensation of two hundred and fifty dollars, and the same fees that are allowed to the clerk of the said court of the eastern district of the State, and shall be subject in every respect to the same responsibilities.

SEC. 2. *And be it further enacted,* That the President of the United States, by and with the advice and consent of the Senate of the United States, be, and hereby is, authorized to appoint one person as Marshal, and one as District Attorney, for the said western judicial district of the United States, within the State of Louisiana, created by this act, and that the terms of appointment and service, together with the duties and responsibilities of the said Marshal and District Attorney, respectively, for the district aforesaid, be, in all respects, the same within their said district as the terms of appointment and services, the duties and responsibilities of the Marshal and District Attorney, respectively, of the eastern district of the State of Louisiana, and shall receive an annual compensation of two hundred and fifty dollars each, and such fees and emoluments as are received by the Marshal and Attorney of the United States, for the State of Louisiana.

Mr. J. S. JOHNSTON, of Louisiana, earnestly urged on the House the immediate passage of this bill, as being rendered peculiarly necessary by the present circumstances of the country.

Mr. COCKE objected to the bill on account of the addition of five hundred dollars per annum proposed to be made to the salary of the judge; which he moved to strike out of the bill.

Mr. TAYLOR, of New York, said, as the bill had been only this morning laid upon the table, he should prefer its taking the ordinary course of bills. For which purpose, he moved that it be referred to a Committee of the Whole.

Mr. JOHNSTON replied to both the gentlemen. The bill, he said, being recommended by the representation of the State, as necessary for the due execution of the laws in the State of Louisiana, he thought it almost a matter of course to pass it, especially as it contained no new principles. With regard to the additional salary proposed to be allowed to the judge, he thought it not only reasonable, but absolutely necessary to enable him to live, &c. Mr. J. again earnestly pressed a decision on the bill at this time.

Mr. TAYLOR, at some length, opposed acting thus suddenly on a bill of this character, and stated his objections to the bill itself, on the ground of the inexpediency of multiplying courts and officers, as had already been done in the Districts of New York, Pennsylvania, and Virginia. In regard to the New York District, the division of it into two districts, was intended to answer a temporary purpose, but had become permanent, and served as a plea for like measures in other States, which might well have been dispensed with, &c.

Mr. WRIGHT, Mr. MALLARY, and Mr. ROSS, joined Mr. JOHNSTON, of Louisiana, in support of the bill. In the course of some further remarks made by the latter gentleman, in order to show the necessity for establishing this new district, he stated a case within his knowledge, in which an individual living at the distance of *four hundred miles* from the present seat of justice (New Orleans) had been sued by the United States for twenty-two dollars; and, if the Government were to discharge the suit, it would be on condition that the party sued should pay the costs. It was mainly on the ground of the necessity of such a court for the trial of *criminal* cases, that he advocated this bill.

The motion to recommit the bill was negatived, by 50 votes to 45.

The question recurring on Mr. COCKE's motion to strike out the proposed addition to the judge's salary, it was strenuously opposed by Mr. JOHNSTON, of Louisiana, and Mr. WRIGHT, and supported by Mr. TAYLOR and Mr. ALLEN, of Massachusetts. The principal ground of Mr. ALLEN's objection was, that the salary of the district judge of Louisiana is now higher than that of any other like officer in the United States, and he was opposed to raising the salary of this district judge, without a general review of the subject of the salaries of the district judges, which he thought well worthy the consideration of the House, believing them to be at present the most poorly paid officers in the Government of the United States.

Mr. COCKE's motion to amend the bill was negatived, 52 votes to 46.

Mr. TAYLOR then moved, by way of amendment, to strike out the whole of the bill, except the enacting clause, and insert in lieu thereof the following:

"That, in addition to the terms of the district court of Louisiana, now established by law, one stated term of the said court shall be held, each year, at Opelousas courthouse, to commence on the third Monday of August; and the district judge of the United States for the State of Louisiana, is hereby authorized and

required to hold special sessions of the said court at the said courthouse, in Opelousas, for the trial of criminal or civil causes, whenever he may deem it expedient."

This motion was earnestly supported by Mr. Taylor, and opposed by Mr. Johnston, Mr. Mallary, and Mr. Wright.

The question being taken on Mr. Taylor's motion to amend the bill, there were—For the amendment, 59; against it, 60. So the amendment was negatived.

On the question to order this bill to be engrossed and read a third time, the yeas and nays were required by Mr. Allen, of Massachusetts, and, being taken, stood as follows:

Yeas—Messrs. Alexander, Allen of Tennessee, Ball, Barber of Ohio, Baylies, Blackledge, Breckenridge, Buchanan, Cannon, Cassedy, Chambers, Conkling, Conner, Cook, Cushman, Dane, Dickinson, Durfee, Dwight, Edwards of North Carolina, Farrelly, Forward, Garnett, Gorham, Govan, Hall, Hamilton, Hardin, Hemphill, Holcombe, Hubbard, Ingham, Jackson, Jennings, J. T. Johnson, J. S. Johnston, Jones of Virginia, Jones of Tennessee, Kent, Kirkland, Leftwich, Lincoln, Little, McCarty, McLane, McSherry, Mallary, Mercer, Mitchell of Pennsylvania, Mitchell of South Carolina, Moore of Alabama, Morgan, Neale, Nelson of Maryland, New, Newton, Patterson of New York, Patterson of Pennsylvania, Phillips, Pitcher, Reed of Massachusetts, Reid of Georgia, Rhea, Rogers, Ross, Russell, Saunders, Scott, Sloane, Alexander Smyth, W. Smith, Sterling of New York, A. Stevenson, J. Stephenson, Stewart, Tattnall, Thompson, Tod, Trimble, Tucker of Virginia, Udree, Vance, Van Rensselaer, Walworth, Warfield, Whipple, Wood, Woodson, and Wright—89.

Nays—Messrs. Allen of Massachusetts, Barber of Connecticut, Barstow, Bassett, Bateman, Borland, Brown, Burrows, Butler, Cambreleng, Campbell of New York, Cocke, Condict, Crafts, Cuthbert, Eddy, Edwards of Connecticut, Floyd, Forrest, Fuller, Gebhard, Gilmer, Gross, Harris, Harvey, Hawks, Hill, F. Johnson, Keyes, Lathrop, Long, McCoy, Matlack, Matson, Mattocks, Metcalfe, Murray, Pierson, Plumer of New Hampshire, Plumer of Pennsylvania, Rich, Rochester, Arthur Smith, Sterling of Connecticut, Stoddard, Swan, Taylor, Tomlinson, Tracy, Tucker of South Carolina, Upham, Van Wyck, White, Williams of Virginia, Williams of North Carolina, Williamson, and Wilson—57.

So the bill was ordered to receive its third reading to-morrow.

COLLECTION OF THE CUSTOMS.

The House then again took up, in Committee of the Whole, the bill further to regulate the collection of duties on imports.

The discussion of the details of the bill was resumed, on amendments proposed; in which the following gentlemen took part:

Messrs. Tracy, McLane, Cambreleng, Gorham, Nelson of Massachusetts, Wood, Barstow, McKim, Buchanan, Ingham, and Little.

At four o'clock the Committee rose and obtained leave to sit again; and then the House adjourned.

Friday, January 17.

Mr. Little presented a petition of the Alum and Copperas Company of Cape Sable, on the river Magothy, in Maryland, signed by P. G. Lechleitner, principal of said company, praying that a duty of three cents per pound on alum, and two cents per pound on copperas, may be imposed on those articles, imported from foreign countries; which petition was referred to the Committee of the Whole to which is committed the bill for the more effectual encouragement and protection of certain domestic manufactures.

Mr. Williams, of North Carolina, from the Committee of Claims, made a report on the petition of James Morrison, respecting lost abstracts, accompanied by a bill for his relief; which was read twice, and committed to a Committee of the Whole.

Mr. Kent, from the Committee for the District of Columbia, made a report on the petition of certain fire engine companies of Alexandria; which was read, and the resolution therein submitted was concurred in by the House, that the prayer of the petitioners ought not to be granted.

Mr. Kent, from the same committee, also made an unfavorable report on the petition of sundry inhabitants of the District of Columbia, referred on the 13th instant; which was read, and ordered to lie on the table.

Mr. Campbell, of Ohio, from the Committee on Private Land Claims, to which was referred the bill from the Senate, entitled "An act for the relief of Joshua Russell," reported the same without amendment; which was committed to the Committee of the whole House to which is committed the bill extending the time for locating Virginia military land warrants.

Mr. Campbell also made a report on the petition of Thomas Williams, accompanied by a bill for his relief; which was read twice, and committed to the Committee of the whole House to which is committed the bill for the relief of Jacob Shafer.

Mr. Plumer, of New Hampshire, from the Committee on the Judiciary, reported a bill respecting the district court of the United States for the District of Maine; which bill was read twice, and committed to a Committee of the Whole.

The Committee on the Judiciary were discharged from the further consideration of the petition of the mayor and aldermen of the city of St. Augustine, in East Florida, and it was referred to the Committee on the Public Lands.

On motion of Mr. Conkling, the Committee on Naval Affairs were instructed to inquire into the expediency of providing, by law, for the establishment of a naval academy for the instruction of midshipmen and other young officers in the sciences appertaining to their profession.

Mr. Fuller, from the Committee on Naval Affairs, to which was committed the bill from the Senate, entitled "An act for the relief of Amos Nichols," reported the same without amendment, and the bill was committed to a Committee of the Whole.

The Committee on the Judiciary were discharged from the further consideration of the resolution directing an inquiry into the expediency of altering and amending the act for ascertaining claims and titles to lands within the Territory of Florida, and the resolution was referred to the Committee on the Public Lands, to make the said inquiry.

Mr. LINCOLN submitted the following resolution, which was read, and laid on the table one day:

Resolved, That the Secretaries of the Departments of State, the Treasury, War, and Navy, be directed, severally, to inform this House, what newspapers, journals, and other periodical publications, are taken at the public expense in their respective departments; also to furnish catalogues of all books which have been purchased at the public expense, in their respective departments, stating the titles and prices of such as have been procured each year during the last six years.

On motion of Mr. HUBBARD, the Committee on Revolutionary Pensions were instructed to inquire into the expediency of placing on the pension list William Davis, of Madison county, New York, a soldier of the Revolutionary war. Mr. H. accompanied the above resolution by documents in support of the claim of William Davis.

On motion of Mr. HOOKS, the Committee on Military Affairs were instructed to inquire into the expediency of repairing the fort at Smithville, in North Carolina, or to erect new fortifications at a more suitable site.

LAND SURVEYORS' EXPENSES.

On motion of Mr. COCKE, of Tennessee, the House proceeded to consider the resolution now lying on the table, calling for information respecting the surveys of public lands, &c.

Mr. COCKE moved to amend the resolution, by striking out the whole of it after the word "*Resolved*," and inserting in lieu thereof the following:

"That the President of the United States be requested to lay before this House a statement showing what contracts have been made by the surveyor general of public lands in the States of Missouri and Illinois, and Territory of Arkansas, for services performed since the first day of January, 1819; with whom made, and when; for what quantity to each; whether the surveys were actually made by the original contractors in person, or others, under sub-contracts; if by others, at what price per mile said surveys were performed; what price was stipulated to be paid per mile to each contractor; and whether the surveys have been faithfully executed.

Mr. COCKE said he could see no reason why the House should call for information in regard to other surveyors, when they wanted information only respecting one, or for the accounts of that one a long period of time back, when the accounts were settled up to 1819, and it was the accounts subsequently rendered which only were wanted. The complaints against the surveyor, referred to in the proposed amendment, were mentioned at the last session of Congress, and were well known to the gentleman who yesterday moved the amendment to this resolution. If the information which was really wanted was wished to be received during the present session, it could only be accomplished by limiting the range of it, as proposed in the amendment, &c.

Mr. CONDICT, of New Jersey, said that he was in favor of the amendment, but suggested the propriety of calling, in such a case as this, where copies of accounts only were wanted, directly upon the Secretary of the Treasury for the information, instead of requesting the President to communicate it.

Mr. COCKE acceded to this suggestion, and modified his resolution accordingly.

Mr. SCOTT, of Missouri, said he was opposed to the amendment now offered by the gentleman from Tennessee, (Mr. COCKE,) as a substitute for the original proposition submitted by the member from Ohio, (Mr. VANCE.) The shape given to the original resolution, by the amendments adopted in the House the other day, would meet all the objects of just or necessary inquiry. Mr. S. requested to know, and it was certainly not for him to say, why the members from Ohio and Tennessee shrunk from an examination into the official conduct of the surveyors in their quarters, and seemed so desirous to point out, for particular animadversion, the conduct of the surveyor general of Illinois, Missouri, and Arkansas. They had not only selected the individual, but proposed to limit the inquiry to a specific time. Mr. S. deprecated this as an unjust mode of legislation, and an improper manner of exercising the inquisitorial powers of the House in the call for information. It was not for Mr. S. to say why this course was pursued in relation to General Rector, whom he knew to be a correct and honorable man, but he called on gentlemen to answer why this course was adopted? What was the answer that the gentleman from Tennessee (Mr. COCKE) gave? That he had received information out of doors, either in conversation or by letters, that the surveying had been badly executed, and that more had been charged to the Government, in the accounts rendered, than had been paid for the actual surveying to the sub-contractors. Mr. S. denied the fact as charged, but at the same time asked the gentleman if this was the correct way of attacking the character of any man? If the information in possession of gentlemen was official, why not give it to the House? If merely circumstantial, it ought not to be credited by honorable members. In all cases where character was involved, gentlemen ought to place the charges in a less "questionable shape," and not give such charges "the sanction of their name and brief authority," till they were certain the information deserved credit. This was not the case here. General Rector and his friends could not repel insinuations, where no clue was given from whence that information, covering the charges, had originated.

If the gentleman from Tennessee (Mr. COCKE) would give point and body to his charge, Mr. SCOTT pledged himself to go to the full extent of his power to correct the evil; he did not care

whether the corruption and misconduct charged, lay at the door of a surveyor general, Indian agent, or any officer in the discharge of either civil or military duties—if it even descended to camp kettles or umbrellas, Mr. S. would aid in correcting the abuse. Mr. S. was free to admit, that, in some surveying, it might be done for less than three dollars per mile; but, in others, it would cost more. A man, taking ten, fifteen, or twenty, townships, would generally find, that, in the aggregate, three dollars per mile was but a moderate compensation; in many places more was allowed. Last year four dollars had been allowed for surveying the lands in Florida, which was less difficult than the bottoms and swamps in the Missouri, Illinois, and Arkansas; in other places six dollars per mile had been allowed. And it was the object of Mr. S. to show, by calling for the information as far back as 1805, nay, 1802, when the present system, in relation to the public lands commenced, to show that it was the common law of the land, and had been sanctioned by every administration, in the settlement of all the accounts of the several surveyors general, and principal deputy surveyors, to allow them three dollars per mile, as no more than a moderate and adequate compensation; and, also, to collate the accounts of the party here accused of misconduct, with those of other distinguished officers, and evince, that the surveying, under his administration, had been as well, as cheaply, and as faithfully done, as under that of any other, without exception. Indeed, Mr. S. wished it was as convenient for the gentleman of Tennessee, (Mr. Cocke,) to visit the country on the Mississippi and Arkansas and to retrace and measure the lands as it was to visit the Rip Raps, he would request the gentleman to make a trip there also, and see if conversion in the one could not be produced, if it could not in the other.

The information here called for could not possibly be of any service on the question of appropriation, for the surveying done in 1821. That depended on the instructions then given, and copies had been furnished the chairman of the Committee of Ways and Means (General Smith) last year, and would be again produced, together with other statements, showing that General Rector had done his duty well, and in the general conformed to his instructions. Mr. Scott hoped that the amendment would not be adopted; but, that, if the House sought information, it would be in a general shape, and calculated, when produced, to shed all the light on the subject, and, come when it would, he did not fear to state, that the conduct of the officer in question would appear in such colors as to silence those who now seemed disposed to clamor against him. The objection that if you go back to 1805, the information could not be had in time, was not the fault of General Rector or his friends. If those who seem to have considered it their peculiar duty to guard the Government from impositions, had been remiss in not calling early for the information, let the blame rest on them and not on others. General Rector was desirous of a general investigation, and the original resolution was well calculated to produce the effect.

Mr. Rhea, of Tennessee, was in favor of the amendment. It was acknowledged, by the gentleman from Missouri, that rumors have been afloat in regard to the supposed impropriety in the conduct of the surveyor general of Illinois, &c. These rumors are either well founded or they are not. Mr. R. said, he professed himself to be a friend to the General, and he trusted he would come out clear from this inquiry. The attempt, however, to evade the inquiry, would do no good to that officer. We have heard no complaint of wrong-doing on the part of surveyors as far down as 1805, and why should the inquiry be carried down so far? Mr. R. said he was particularly desirous to have this amendment adopted for another reason. He wished to know what kind of land had been laid off for the soldiers of the late war, the land set apart for that object having been surveyed under the particular care of this officer, &c.

Mr. Vance, of Ohio, said, that, in making this call for information relative to the surveyor general of Illinois, Missouri, and Arkansas, his only object was to enable the House to act understandingly on a certain appropriation, that we should be called on to make before the close of this session, which had been withheld from the individuals who had performed those services, for more than one year. This appropriation was withheld owing to the misconstruction, by this surveyor general, of orders received from the Treasury Department, in which the surveys, in this gentleman's district, had been extended much beyond the amount of money appropriated for that object; and, as was contended by gentlemen who had examined this subject, not warranted by the orders from the Treasury Department. This is the reason that induced me to make the call, and nothing personal towards General Rector. This gentleman he had heard well spoken of, and he hoped, on the investigation, he would come out clear of suspicion. If otherwise, he, for one, would be in favor of his removal from this important station.

Mr. McCoy, of Virginia, said he thought the resolution ought to be made general, so as to include the returns of all the surveyors since the year 1819; and he moved to amend the amendment to that effect. His object was to have information to enable the House to see whether the public lands cannot be surveyed for less money than they now are; and, with this view, he should like to have information from every section of the country where the public lands lie. The original motion, however, to go back to the year 1805, would put the House in such a situation that it would not be able to obtain, during the session, the information which was wanted. Mr. McC. said that he had nothing to say against General Rector. He knew but little of him, but that he was a Virginian by birth, and he had always understood him to be a man of high character.

Mr. Cocke said he had no disposition to impeach General Rector more than any other man. He was induced to offer the amendment in its

present shape, on the ground that the accounts of all the other surveyors were settled at the Treasury except those of the surveyor particularly mentioned. He could have no personal objection, he said, to General Rector. Until he came to this place, he never saw him in his life. In order to have the matter as fully investigated as possible, he would most cheerfully yield to the wishes of the gentleman from Virginia, and accept the amendment proposed by Mr. McCOY as a modification of his motion. The accounts embraced by it might be obtained during the session; but, if the resolution went as far back as 1805, he was persuaded the object of it would be defeated. With regard, said Mr. C., to the expressions about the Rip Raps, and so on, which have been used by the gentleman from Missouri, they pass by me like the idle wind.

Some conversation took place, in which Mr. SCOTT, Mr. COCKE, Mr. TAYLOR, Mr. JOHNSTON, and Mr. JENNINGS, took part, on a suggestion to include in the motion the deputy surveyors general; which was overruled by the House, on the ground, apparently, that the surveyor general's returns would include those of the deputies. In the course of this conversation—

Mr. JENNINGS remarked, that the resolution presented to him objections, either with or without the pending amendment, which would induce him to vote against it in either shape. Some gentlemen wished for the information to enable them to form a correct estimate whether too much money was not paid for the surveys of the public lands, while others wanted it for the purpose of knowing whether the official conduct of the surveyor general of Illinois, Missouri, &c., has been unexceptionable. He should suppose, if any gentleman believed that officer had not discharged his duty, they ought to go directly to their object. The resolution, however, includes all the surveyors general, for the purpose of getting at one of them.

The question was then taken on Mr. COCKE's amendment; which was agreed to. The resolution, as thus amended, was then agreed to without a division.

UNITED STATES COURTS IN LOUISIANA.

The engrossed bill for the better organization of the district court of the State of Louisiana, was read a third time.

Mr. COCKE moved to recommit the bill, with instructions to amend it so as to leave it a simple provision authorizing the holding additional terms of the court in Opelousas.

Here arose a debate, which lasted several hours, upon the points, whether additional compensation should be given to the district judge, and whether for this additional court, a new marshal, clerk, or attorney, should be appointed. The ground was narrow, but it was strongly contested by the friends of the bill, headed by Mr. JOHNSTON of Louisiana, and its opponents, led by Mr. COCKE.

Mr. JOHNSTON, zealous in his cause, was supported by Mr. WRIGHT, Mr. MALLARY, and Mr. TUCKER; and Mr. COCKE was closely followed, on the same side, by Mr. TAYLOR, of New York, who zealously opposed the creation, unnecessarily, as he contended, of new offices. Mr. COOK, Mr. TOMLINSON, and Mr. KEYES, also supported the recommitment. Mr. RHEA also favored a recommitment, without instructions.

Finally, the instructions were stricken out of the motion for recommitment, by 80 votes to 70. The motion for recommitment was withdrawn; and, on motion of Mr. JOHNSTON himself, the House reconsidered the vote by which the bill was ordered to be engrossed for a third reading.

The bill being again open to amendment, amendments were proposed; when, on motion of Mr. JOHNSTON, the bill was ordered to lie on the table, and be printed.

The House, then, not without considerable opposition to the recess of to-morrow, adjourned over to Monday.

MONDAY, January 20.

JOHN SERGEANT, from Pennsylvania, appeared, and took his seat.

Mr. HILL presented a petition of sundry inhabitants of Lincoln county, State of Maine, praying that the town of Dresden may be made a port of entry.—Referred to the Committee of Commerce.

Mr. SPEAKER laid before the House a memorial from the Board for Internal Improvement of the State of North Carolina, praying the aid of Government in the removal of certain sand bars, at the entrance of Cape Fear river.—Referred to the Committee of Commerce.

Mr. CONDICT presented two memorials from the inhabitants of New Brunswick, and the adjacent country, in the State of New Jersey, praying that the aid of Government may be extended to the manufacturing interest of the nation.—Referred to the Committee of the whole House to which is committed the "Bill for the more effectual encouragement of certain domestic manufactures."

Mr. HAMILTON presented a memorial of sundry banking institutions, insurance companies, and individuals, of Charleston, South Carolina, praying that the charter of the Bank of the United States may be so amended as to release the said bank and its offices from the obligation of receiving, in payment of all dues to the Government, the notes of all the different offices of the said Bank of the United States, in whatever part of the Union such office may be located.—Referred to Messrs. HEMPHILL, CAMBRELENG, MERCER, MALLARY, and MCKIM.

Mr. RHEA presented a memorial of the eighth convention of the Manumission Society of the State of Tennessee, praying that Congress will take the situation of the people of color of the United States, held in slavery, into their consideration, and provide by law for their relief.—Referred to the Committee on the Judiciary.

Mr. FRANCIS JOHNSON, from the Committee on the Post Office and Post Roads, reported a bill further to regulate the Post Office Department; which was read twice, and committed to a Committee of the Whole.

Mr. McCOY, from the Committee of Claims, made a report on the petition of Loudon Case, accompanied by a bill for his relief; which bill was read twice, and committed to a Committee of the Whole.

Mr. PLUMER, of New Hampshire, from the Committee on the Judiciary, to whom the subject was referred, reported a bill concerning patents; which was read twice, and committed to a Committee of the Whole. The bill is as follows:

"*Be it enacted, &c.*, That, in all suits instituted, after the passage of this act, for the violation of the rights of patentees, their executors, administrators, or assigns, under the several acts of Congress concerning patents, costs shall be allowed such patentees, their executors, administrators, or assigns, in all cases where the sum recovered by them or any of them in damages shall not be less than fifty dollars."

Mr. TOD, from the Committee on Manufactures, laid before the House a statement exhibiting a view of the duties as at present imposed on certain imports, compared with the duties proposed to be imposed on the same articles by the bill now pending before this House for the more effectual encouragement and protection of certain domestic manufactures; which was referred to the Committee of the Whole on the state of the Union, having under consideration the aforesaid bill.

Mr. WRIGHT, from the committee appointed on the petition of Doctor James Smith, upon the subject of vaccination, reported "that, perceiving no other purpose in the petition than the enactment of some law on the subject, and believing legislation thereon to be inexpedient, they beg leave to be discharged from the further consideration thereof."

The report was read, and agreed to by the House.

The resolution submitted by Mr. LINCOLN on the 17th instant, and laid on the table under the rule, was taken up, read, modified, and agreed to by the House, as follows:

Resolved, That the Secretaries of the Departments of State, the Treasury, War, and Navy, be directed, severally, to inform this House what newspapers, journals, and other periodical publications, charts and instruments, maps and prints, are taken at the public expense in their respective departments: *Also*, to furnish catalogues of all books which have been purchased at the public expense in their respective departments, stating the titles and prices of such as have been procured each year, during the last six years.

Mr. RICH submitted the following resolution, which was agreed to and ordered to lie on the table one day.

Resolved, That the President of the United States be requested to cause to be arranged and laid before this House a digest, showing such changes of the commercial regulations of the different foreign countries with which the United States have intercourse, as shall have been adopted, and come to the knowledge of the Executive, subsequent to the formation of the digest communicated to the Senate on the 7th of December, 1819.

On motion of Mr. HERNANDEZ, the Committee on Public Lands were directed to inquire into the expediency of vesting so much of the public lots and houses within the city of Pensacola, in the Territory of Florida, as may not be required for the use of the United States, in the City Council of said city, and for its benefit and improvement.

On motion of Mr. F. JOHNSON, the Committee on Naval Affairs were instructed to inquire into the amount of annual expenditures in support of the marine corps; the number of officers and men composing that corps; what services they render to the United States; also, into the expediency of reducing the number, or of abolishing the same.

Mr. MALLARY moved the following:

Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency of providing for an equal selection of midshipmen for the Navy, from the different States of the Union.

In submitting this resolution, Mr. M. said his object was to attach every part of the nation to that essential arm of national defence, the Navy, by giving to every part of the nation an interest in its prosperity, &c. so far as that effect might be produced by the equal distribution of the offices among the population of our country. Such a distribution, he believed, would have the further effect to strengthen the Government. With these views, he hoped to be indulged in the proposed inquiry.

The resolve was agreed to.

On motion of Mr. RUGGLES, the House took up, and proceeded to consider, the report of the Secretary of the Treasury on the petition of Abraham Snyder: whereupon, it was ordered that the petition and report be referred to the Committee on the Judiciary.

The SPEAKER laid before the House a Message from the President of the United States, transmitting a report of the Secretary of the Navy, respecting the cost and expediency of fortifying Thompson's island, or Key West; which were referred to the Committee on Military Affairs.

NAVAL PEACE ESTABLISHMENT.

Mr. FULLER, from the Committee on Naval Affairs, to which was referred the Message from the President, upon the subject of a Naval Peace Establishment, made a report thereon, accompanied by a bill to fix and render permanent the Naval Peace Establishment of the United States; which bill was read twice, and committed to a Committee of the whole House on the state of the Union. The report is as follows:

The Committee on Naval Affairs, to whom was committed the Message of the President of the United States, transmitting a plan for the Peace Establishment of the Navy of the United States, communicated at the present session of Congress, respectfully report:

Before the late war between the United States and Great Britain, several acts of Congress, at different periods, established the amount and character of the naval force which was then deemed commensurate with our national resources, and adapted to the state of our relations with foreign countries, existing or anticipated. The changes, however, were so frequent, and the efforts to increase our naval strength were so

incessant, that it was found, in practice, unnecessary to limit the number of vessels to be constructed, except by a due appropriation of our fiscal means; and, had these been greater at the period of the war, there is no doubt that the policy of our Government would have increased our Navy in equal proportion, at least, with our other military defences.

Since that war, which so fully developed to our country and the world the vigor and efficiency of the American naval character, even when we possessed only an inconsiderable number of officers and ships of war, our Government has but fulfilled the wishes of the nation in adopting, and steadily adhering to, a liberal plan for the "gradual increase" and early respectability of our naval power.

The act appropriating the sum of eight millions of dollars, to be employed in constructing nine ships of the line and twelve frigates, with a subsequent modification, extending the time for the accomplishment of the object, is still in force; and the ships proposed are in such a state of forwardness, that there is reason to expect their completion and equipment within the time contemplated, and without requiring additional appropriations.

While such has been our policy in regard to the construction of vessels of war, the Executive, not being restrained by any provision of existing laws, has continued to increase, by occasional promotions, and by new appointments in the inferior grades, the number of officers in our naval service; yet, though the present number in some of the grades, perhaps, exceeds the indispensable complement of the vessels already built, it falls far short of such complement for those which are in a train of speedy completion. The committee have also adverted to the circumstance, that a much larger number of sloops and small vessels of war will be wanted to form a just proportion to the ships of the larger classes, in the event of a contest with any maritime Power. They would remark, also, as proved by the experience of other nations, perhaps even more than our own, that ships may be constructed and equipped in far less time, on the approach of war, than is requisite to discipline and train a corps of officers, to whom the command of them might be safely intrusted. The committee, therefore, believe that it is not expedient to diminish the present number of officers in service; and they are disposed especially to refer to the discretion of the Executive the expediency of increasing, to a reasonable extent, the number of midshipmen, as a class of officers to whom our future Navy must look for experience, discipline, and nautical science. Advantage might be supposed to accrue to the public service, by striking from the list of officers some whose age or infirmities render them no longer useful; but a power of so much delicacy ought never to be exercised by legislation. If its policy or justice were admitted, the Executive is the only organ of the Constitution which, in the discharge of such a duty, possesses the competent means of information, and which ought, therefore, to assume the responsibility. Yet it is believed, on no slight grounds, that the corps of naval officers in our service yield to no equal number of any nation in correctness of deportment and sobriety of habits, as well as in nautical skill, experience, and characteristic boldness.

A considerable expenditure will be saved by the provisions proposed in the organizatien of the several naval stations; and the recommendation of the Department of the Navy is deemed by the committee to be founded on just principles, in making a distinction between officers on shore and those who are either in active service, or for the most part remote from their families and their homes.

The medical department of the naval service has been fully considered by the committee, and they have had recourse to all the means of information in their power, to discover the nature and extent of defects acknowledged to exist, for the purpose of proposing, if possible, an effectual remedy. They are fully convinced that appointments in that branch of the service have hitherto been made with too little discrimination, and that many have entered it who, on a due examination of their competency, would have been rejected. They are equally convinced that the pay and emoluments of surgeons and surgeons' mates, though perhaps sufficient to induce young practitioners to engage for a few years, with a view to avail themselves of the superior practical advantages to be found in the service, are very incompetent to retain in service many of the most able and faithful of the faculty. The compensation for the most learned, experienced, and useful surgeons, even after a life devoted to duty, is but little greater than that of a lieutenant; and his slender compensation is not, like that of the latter, submitted to for the present in prospect of approaching promotion. Neither honors nor increasing pay encourage him to improve in knowledge, and signalize himself by superior merit. Though many of the surgeons in our Navy are men of skill and eminence, it is feared that many will abandon the service in disgust, and that, of those who remain, some of the most valuable are retained by the hope of a more suitable provision being made by an enlightened country. The committee believe that the sections in the bill which they have submitted, will place the medical corps of the Navy on such a basis as comports with the true interests of the service.

These are some of the considerations which have guided the committee in proposing a Naval Peace Establishment, of the character and extent provided in the bill which accompanies this report. They are not so sanguine as to expect that all its details, though generally founded upon the recommendation of the Secretary of the Navy, assisted by the practical experience of the Board attached to the Department, will meet the concurrence of the House. It may be proper to state, that the proposition of establishing higher grades of rank than have heretofore existed, may be deemed by some inexpedient at this time; and the committee are led to acquiesce in the recommendation of the Department, more with a view to the future condition of our Navy, and to the part it must hereafter act in any conflict with a maritime Power, than from an opinion that its present circumstances render the measure indispensable. Even in peace, however, they are of opinion that superior rank, in the naval as well as in the military service, will be conducive to subordination and wholesome discipline; and the inconsiderable addition of expense which it involves ought not to present an obstacle to the attainment of an obvious benefit.

The committee are far from intending, by the measure now proposed, to arrest the progress, or to retard the development of our naval resources, so far as may correspond with the just views of policy, and the sound discretion of our Government; and they would hesitate to recommend its adoption at the present session of Congress, did they not deem its tendency propitious

to that progress, and to those views, But, in case it should be found otherwise, it will be perceived by those who shall hereafter be intrusted with the regulation of our maritime defences, and the error, when discovered, will, without doubt, be promptly corrected.

COMMERCE AND NAVIGATION.

The Speaker communicated the following letter from the Secretary of the Treasury:

Treasury Department, *Jan.* 18, 1823.

Sir: In conformity with the provisions of the act of 10th January, 1820, entitled "An act to provide for obtaining accurate statements of the foreign commerce of the United States," I have the honor to submit the following statements of the commerce and navigation of the United States, during the year ending on the 30th September, 1822, viz:

1st. A general statement of the quantity and value of merchandise imported into the United States.

2d. A summary statement of the same.

3d. A general statement of the quantity and value of domestic articles exported.

4th. A general statement of the quantity and value of foreign articles exported.

5th and 6th. Summary statements of the value of domestic and foreign articles exported.

7th. A general statement of the amount of American and foreign tonnage employed in the foreign trade of the United States.

8th. A general statistical view of the commerce and navigation of the United States; and

9th. A statement of the tonnage entered and cleared, in and from the several States.

From these statements, it appears that the imports, during the year ending on the 30th of September, 1822, have amounted to $83,241,541, of which amount $76,984,331 were imported in American vessels and $6,257,210 in foreign vessels: That the exports have, during the same period, amounted to $72,160,281, of which $49,874,079 were domestic, and $22,286,202 were foreign articles: That of the domestic articles $39,931,913 were exported in American vessels, and $9,942,166 in foreign vessels; and, of the foreign articles exported, $20,783,655 were exported in American, and $1,502,547 in foreign vessels: That 787,961 tons of American shipping entered, and 813,748 cleared from ports of the United States; and that 100,541 tons of foreign shipping entered, and 97,490 cleared from the ports of the United States during the same period.

I remain, with respect, &c.

WM. H. CRAWFORD.

Hon. Philip P. Barbour,
Speaker of the House of Representatives.

The letter was read, and, with the documents, ordered to be printed.

On motion of Mr. Hill, of Maine, 500 extra copies of the letter and documents accompanying the same, were ordered to be printed, by a vote of 69 to 37.

DUTIES ON IMPORTS.

The House then again resolved itself into a Committee of the Whole on the state of the Union, on the unfinished business of Thursday last, being a bill regulating the duties on imports.

The gentlemen who took an active part in arranging the details of the bill, and discussing the various amendments proposed to it, in the committee, to-day, are Messrs. McKim, Cambreleng, Colden, Little, McLane, Tracy, Wright, Ingham, Walworth, Barstow, Rhea, Whipple, Tomlinson, and McCoy.

Before going through the details of the bill, the Committee rose.

TRADE WITH CANADA.

Mr. Sterling, of New York, offered for adoption the following resolution:

Resolved, That the Committee on Commerce be instructed to inquire and report to this House, whether the provisions of an act of the Parliament of Great Britain, passed the 5th day of August, 1822, so far as they impose certain duties, upon the products of the United States passing into Lower Canada, down the river St. Lawrence, or otherwise, with a view to exportation, are not repugnant to existing treaties between this country and Great Britain, or a violation of our right to the free navigation of the river St. Lawrence, and what measures are expedient to be taken to obtain a repeal or modification of said act, or of any other act of Parliament, so far as their provisions shall be found detrimental to our commerce, or repugnant to rights secured to us by treaty or national law, or what countervailing provisions may be expedient on the part of the United States.

Before the question was taken on agreeing to this resolution,

Mr. Walworth, of New York, said that the subject referred to in the resolution offered by his colleague, was one in which his constituents had a deep interest; it was also of great importance to the citizens of all such parts of the United States as bordered on the frontiers of Canada. That, by the 3d article of the treaty of the 19th November, 1794, a reciprocal intercourse was secured to the citizens of the United States and Great Britain on the northern and western frontiers of the United States. There could be no discriminating duties imposed by either party. Peltries imported from Canada were exempted from the payment of any duties, and no transit duty could be imposed upon goods transported through the territories of either by land or by inland navigation, &c. These mutual and reciprocal advantages had been enjoyed by the citizens of the United States until the late war. It was generally understood that the ten permanent sections of the treaty of 1794 had been made void by the late war between the United States and Great Britain. The British Government, acting under that construction of the treaty, had imposed discriminating duties on lumber of the growth or produce of the United States imported into Great Britain from the Canadas; and by the acts of the British Parliament of the 24th of June and 5th of August last, heavy duties had been imposed upon the principal articles of exports from the United States to Canada, which in substance amounted to a prohibition, notwithstanding the citizens of the United States had thus been deprived of the benefits secured to them by the treaty of 1794, the provision of that treaty had been incorporated into our revenue laws, and British subjects still enjoyed the full benefit thereof.

That he had prepared a resolution for the pur-

pose of bringing the subject before the House, but, as his colleague had moved the subject, he would offer this as an amendment, believing that was better calculated to bring the whole subject to the consideration of the Committee.

Mr. WALWORTH then proposed an amendment in the following words:

Resolved, That the Committee on Commerce be instructed to inquire whether the reciprocal and equal advantages of trade, with the British Provinces on our northern and western frontier, secured to the United States by the third article of the treaty of the 19th of November, 1794, and the explanatory article of the 4th of May, 1796, have not been so far impaired by the act of the British Parliament of 1821, by which a discriminating duty is imposed upon lumber, the growth or produce of the United States imported into Great Britain from Canada, and by the acts of the 24th June and 5th of August last, regulating the trade with, and fixing the rate of duties on goods imported into those provinces from the United States, as to require countervailing regulations on the part of this Government: That the said committee be also instructed to inquire into the expediency of repealing so much of the act of the 2d of March, 1799, entitled "An act to regulate the collection of duties on imports and tonnage," as was intended to secure to British subjects the reciprocal rights secured by said treaties; that the said committee be also instructed to inquire into the expediency of imposing duties upon the property of British subjects transported through the territories of the United States, from one part of the said British provinces to another, either by land or water; and that the said committee be likewise instructed to inquire what further provisions, by law, may be necessary to secure to the citizens of the United States their equal rights, in our commercial intercourse with the said British possessions on this continent.

Mr. STERLING said, the subject of the resolution, was one of very deep importance to his constituents. He was not now disposed to detain the House by a discussion of the merits of the subject. He believed, however, the resolution would be found broad enough to embrace a remedy of the evil which he had in view. As the subject was of great importance to his constituents, he was willing that both the resolution and the amendment should lie on the table for the present, and be printed.

This suggestion being put in the shape of a motion to that effect, was agreed to, and the resolution and amendment were both ordered to lie on the table.

And then the House adjourned.

TUESDAY, January 21.

The SPEAKER presented a memorial of the General Assembly of the State of Indiana, praying that Congress will, by law, organize a new circuit of the United States, of which Indiana shall compose a part, or attach her to that circuit of which the States of Ohio and Kentucky are component parts.—Referred to the Committee on the Judiciary.

The SPEAKER also laid before the House a petition of sundry inhabitants of the State of Missouri, praying for the establishment of a new land district, and an office for the sale of the public lands within the said State.—Referred to the Committee on the Public Lands.

Mr. NEWTON, of Virginia, from the Committee of Commerce, reported a bill for the relief of William Bartlett and John Stearns, owners of the schooner Angler, Nathaniel Carver, owner of the schooner Harmony, and Isaac Collyer, owner of the schooner Dove, and others; which bill was twice read and committed.

Mr. FULLER, from the Committee on Naval Affairs, to which was recommitted the bill for the relief of the mother of the late Lieutenant William H. Allen, with instructions to report a bill for the relief of his sister, reported the same with sundry amendments, which go to substitute the daughter's in the place of the mother's name; which bill was committed to the Committee of the whole House.

Mr. FULLER also made an unfavorable report in the case of Julia Lawrence, widow of the late Captain James Lawrence; which report was, on motion of Mr. COLDEN, (one of the Naval Committee,) committed to a Committee of the whole House to which is committed a bill for the relief of Sarah Perry.

Mr. PLUMER, of New Hampshire, from the Judiciary Committee, reported a bill to amend "An act for the establishment of a Territorial government in Florida;" which was twice read and committed.

Mr. EUSTIS, from the Committee on Military Affairs, made a report on certain loans of lead and gunpowder, munitions of the United States; which report, and the resolution annexed to it, were ordered to lie on the table.

The resolution of Mr. RICH, of Vermont, requesting the President to cause to be arranged and laid before the House, a digest, showing such changes in the commercial regulations of the different foreign countries with which the United States have intercourse, as shall have been adopted and come to the knowledge of the Executive, subsequently to the formation of the digest communicated to the Senate on the 17th December, 1819, was considered and adopted.

Mr. COOK, of Illinois, offered the following resolution:

Resolved, That the President of the United States be requested to communicate to this House, all the correspondence between the Government of the United States and Great Britain, relating to the negotiation of the convention entered into between the two Governments, on the 20th of October, 1818, which may not be inconsistent with the public interest.

The resolution was laid on the table for one day.

On motion of Mr. SCOTT, the Committee of the whole House was discharged from the consideration of the bill relative "to Land Claims in Missouri;" and it was recommitted to the Committee on Public Lands.

PENSION TO SARAH PERRY.

Mr. FULLER, from the Committee on Naval Affairs, to whom was committed the petition of Sa-

rah Perry, mother of Oliver H. Perry, late a Captain in the Navy of the United States, made the following report; which was read twice, and committed to a Committee of the Whole:

By the decease of the son of the petitioner, Captain Oliver H. Perry, and, subsequently, by the decease of another son, a lieutenant in the Navy, she has been deprived of the support which those sons had successively bestowed; and is, as sufficiently appears to the committee, advanced in years, and incapable of providing for herself. The eminent services of her son first mentioned having called forth the bounty of the Government in providing for his widow and children, by an act for their relief, passed on the 3d of March 1821, the committee believe that his mother, the present petitioner, is entitled to consideration, in at least an equal degree, and for similar reasons. They therefore report a bill in her favor.

To the honorable the Speaker of the House of Representatives of the United States, the memorial of Sarah Perry, of the State of Rhode Island, respectfully showeth:

That your petitioner has at length determined to intrude her sorrows and distresses on your notice, confident of obtaining your sympathy and commiseration, should she even fail in adducing any claims to your justice and liberality.

Your petitioner, after the death of her husband, (who had the honor of bearing a commission in the naval service of his country,) subsisted on the bounty of her deceased son, Oliver Hazard Perry, whose filial devotion and affection were such as to leave none of her wants, and few of her desires, in this world, unsatisfied. During his life, he invariably set aside a liberal proportion of his pay and emoluments for the support of your petitioner, notwithstanding the many claims of his immediate family on his comparatively slender income.

The lamentable death of this son, on board of the John Adams, at Port Trinidad, in August, 1819, deprived your petitioner of this succor, and the burden of the support of herself and an unmarried daughter devolved on the younger branches of her family, more especially on her son, the late Lieutenant James Alexander Perry, whose recent loss your petitioner has also to deplore.

It must be within the knowledge of your honorable body, that, after the death of your petitioner's son, Oliver H. Perry, a bill was introduced into the House of Representatives, and finally passed both branches of Congress, making a provision for his immediate family. In this bill, as originally reported by the committee to whom it was referred, there was a clause affording a competent support for your petitioner. In its progress, however, through the House, some of its best friends, fearful that the whole bill might be lost if too much was asked, consented that the clause in your petitioner's behalf should be stricken out, which was accordingly done; and, in this shape, the bill ultimately passed, with an unanimity on the part of Congress that conferred an inestimable value on the gifts of their patriotic benevolence.

Your petitioner did not repine that the consideration of her claims, whatever they might have been, should have been thus postponed; it was enough that such a sacrifice was deemed essential in procuring a support for the wife and children of such a son.

About this period, the son of your petitioner, James Alexander Perry, who had recently been promoted to a lieutenancy in the Navy, returned from the Mediterranean, and forthwith contributed a large proportion of his pay and emoluments to the support of your petitioner. Had his precious life been spared, your petitioner would not have been constrained to make this application. The calamity by which this last resource has been cut off from your petitioner is known to you; and, although she cannot boast that this son has fallen in the battles of his country, she has the consolation of reflecting that, at the early age of thirteen, he fought by his brother's side in the memorable engagement on Lake Erie; and that the life which he had devoted to his country was sacrificed, ultimately, in a generous and noble effort for the preservation of another.

To confess our poverty is a humiliating declaration. Your petitioner is destitute, and her support, small as it is, is thrown on hands but inadequately capable of bearing it. She knows not that she has any other claims on the liberality of her country, than to say that she has reared five sons for its service, and that she is the mother of that hero who earned for his country a brilliant victory, and triumphed over your enemies, as well in magnanimity as by the invincible force of your arms.

Your petitioner therefore humbly hopes that your honorable body will take her situation into consideration, and that you will be pleased to place her on the pension list for five years, or grant her such other permanent support or relief as to you shall seem meet and proper.

And your petitioner, as in duty bound, will ever pray, &c. SARAH PERRY.

SUPPRESSION OF PUBLIC DOCUMENTS.

The SPEAKER laid before the House the following letter:

WASHINGTON, *January* 21, 1823.

SIR: In the Washington Republican of last evening is an article, a copy of which we have the honor to annex hereto, impeaching the honesty of our conduct as printers to the House of Representatives.

We are glad to meet this charge in a tangible form, unfounded as it is. Always holding ourselves amenable to the authority of the House for the faithful discharge of our official functions, we ask of the House, that it will do us the justice to institute a committee to inquire into the correctness of our conduct, herein impeached, with power to send for persons and papers, and report the result of its investigation to the honorable body over which you preside.

With the highest respect, &c.

GALES & SEATON,
Printers to the House of Reps.

Hon. P. P. BARBOUR, *Speaker, &c.*

From the Washington Republican, of Jan. 21.

The following communication we are induced to insert in our paper, not from any feeling of hostility to the respectable gentlemen to whom it is addressed—a feeling we are incapable of cherishing towards them—but, because we think it *due to them* to afford them an opportunity of doing away with an impression which has been made on the minds of some members of the House, and which, if suffered to remain, may be disadvantageous to their reputation:

Messrs. GALES & SEATON—GENTLEMEN: Influenced by the charitable principle of considering every

man innocent, until his guilt is proved, and knowing that presumptions even the most violent, are not always to be relied on, it is the object of this address, which shall be short, to elicit from you explanations that are indispenably necessary to acquit yourselves of suspicions highly injurious to you, that have existed for nearly twelve months past.

It will be recollected that, at the last session of Congress, the House of Representatives adopted a resolution calling upon Mr. Crawford to exhibit a statement of his transactions with all those banks, which had been made by him the depositories of public moneys received from the sale of public lands. In conformity to which resolution he made his report on the 14th of February, 1822, and accompanied it with numerous corroborating and explanatory documents, all of which the House ordered to be printed. You were the public printers to whom these documents were delivered; and it was your duty to have printed them correctly; yet it is a fact, incontrovertible, that parts of those documents, *implicating Mr. Crawford the most strongly*, were suppressed, and totally omitted in the printed document, with which you furnished the House, *professedly* in obedience to its orders. Of this fact, any gentleman may be fully satisfied, who will take the trouble to compare the printed document with the one transmitted to the House by Mr. Crawford, and which is now in the possession of the Clerk. The latter also affords intrinsic evidence, that the omissions were not accidental, for they are enclosed in black lead pencil brackets, which would seem to have been intended as a guide to your compositor.

Strong as are the implications which those facts seem to warrant, and decided as your partiality for Mr. Crawford has been, I will not indulge the belief, (at least until you have had an opportunity of explaining,) that you could have reconciled it to yourselves, to have sheltered him from a just responsibility, by so great a violation of the confidence reposed in you, and such a flagrant contempt of the legitimate authority of the House of Representatives, that no member thereof, however infatuated by party zeal, who feels the slightest respect for the dignity of his station, could, without dishonor, regard with indifference.

Mr. DWIGHT, of Massachusetts, made a motion, which was subsequently reduced to writing, in the following words:

Resolved, That the letter of Messrs. Gales & Seaton be committed to a select committee, and that said committee have power to send for persons and papers.

Mr. LITTLE, of Maryland, hoped the course now proposed, would not be taken. He hoped the House would not pay so much respect to an anonymous publication in a newspaper, as to make it the subject of inquiry by a committee. He moved to lay the letter, &c., on the table.

Mr. CAMPBELL, of Ohio, suggested that, if the gentleman from Maryland were somewhat better acquainted with the subject involved in this inquiry, he would not make so light of it. He did not know whether the gentleman had been favored with a view of a certain document, of the last session, which ought to have been published, but of which a part was not published; and which seemed to demand an inquiry by the House. If he had seen it, he was persuaded the gentleman would not desire to prevent the inquiry, &c.

Upon this statement, Mr. LITTLE, not wishing to prevent any inquiry which any member of the House should think necessary, withdrew his motion to lay the resolve on the table.

Mr. ARCHER, of Virginia, called for the reading of the paper annexed to the letter, (which had not previously been read.)

Mr. WRIGHT, of Maryland, said, after the statement which had been made, he was clearly for investigating the matter, and exposing every thing connected with it to the face of day, without regard to persons, affect whom it may. He therefore cordially concurred in the appointment of the committee, as proposed.

Mr. MITCHELL, of South Carolina, said he hoped the gentleman from Massachusetts would withdraw his motion, and that the precious time of the House would not be suffered to be occupied with a matter of this description. We are not so sensitive ourselves, said Mr. M., in regard to the reputation of the members of this House; when our conduct is assailed in the newspapers, we do not call for the authors, or appoint committees to inquire into the truth of the imputations against us. He was very certain, he said, that Gales & Seaton had conducted themselves properly in the discharge of their duties, and were deserving of the confidence of this House. But, if any attack was made upon their characters by others, why not let them resort to the courts of justice? Are we, he said, going to investigate newspaper slanders? To convert ourselves into an inquest on characters? It is unbecoming in us to appoint a committee merely on the foundation of a newspaper paragraph. It would be otherwise if any charge were presented by a member against these gentlemen. As it was, he hoped the resolution, &c., would be suffered to lie on the table.

Mr. CAMPBELL, of Ohio, stated that, if there were nothing but newspaper authority to act upon, the course recommended by the gentleman from South Carolina was one which he should be strongly inclined to follow. But he stated that the perusal of the publication in the newspaper had induced him to go to the Clerk's office to see the document referred to in that publication. It seemed, upon the face of it, that this House has been imposed upon either by the printers or some other officers of the Government. He did not undertake to declare where the fault lay, but the censure rested somewhere, and it ought to be fixed at the proper place. The letter in question, he said, was one from W. R. Dickinson, cashier of the Bank of Steubenville. In the original of this letter was one paragraph enclosed within brackets, and a cross made over it with a pencil, which perhaps had been done as a notice to the printer that that part was not to be published. That paragraph was one which ought not to have been suppressed, as it had been. Mr. C. said he presumed that when a member makes a statement of this kind in his place, it is due even to him that a committee should be raised to inquire into the matter. The marks referred to might perhaps have been inadvertently made; they might, for example, have been made by the person who first

read the letter, and taken by the printers for a mark of omission. The thing ought, however, to be investigated. When a Department is called on for information, and in communicating it a part of a letter is suppressed, or it is in any other way suppressed, it is treating the House in a very shameful manner. It was due to all who could be suspected of this suppression, that it should be inquired into. Let those who are innocent appear so, and those who are guilty be exposed. It is our duty, as members, to see that such frauds do not go unpunished. Suppose that any member, hearing from this cashier what he had written to the Secretary of the Treasury, should state it on this floor, and on turning to the printed documents should find nothing of the sort there, what an unpleasant situation he would be placed in, &c. It was due, under every view, to Messrs. Gales & Seaton, and to the head of the Treasury Department, that an inquiry should take place into this matter.

Mr. WRIGHT intimated his opinion that it was very improper to go into an investigation of the subject itself on a mere question whether the House would inquire into it or not. He hoped, after what has passed, that a large committee would be raised to inquire into the matter.

Mr. MCLANE, of Delaware, thought that where any imputation was seriously made on any officer of this House, it ought to be investigated. He was, therefore, in favor of the resolution—not because he believed there had been any fault on the part of the printers to this House, or because he believed there had been any fault any where. He wished a full inquiry, and to have all the circumstances connected with this matter placed before the House. He had never heard of the fact stated by the gentleman from Ohio, nor even seen the publication in question, before it was presented to the House this morning. But he had formed his opinion that there was no fault anywhere, from the single fact, which speaks loudly to all parties. This House is in possession of the *original* letter from the cashier. When calls are made on the Departments for information, it is usual to furnish copies. In this instance, the original paper had been sent to this House; and he could not conceive any other motive for the Department furnishing the original paper, unless it were that the House should be in possession of all the facts connected with the subject, though it might not have been proper that every particular of it should be spread before the public.

Mr. ARCHER, of Virginia, expressed his surprise that the gentleman from South Carolina should have expressed his entire confidence in the printers, and yet have opposed the proposed inquiry. Here is the grave assertion of one of the most respectable members of the House, that the House has been imposed upon by them or by somebody else. Messrs. Gales & Seaton are at present printers to this House, and it is probable will come before us at the close of this session, and ask a re-election to that trust. Mr. A. asked the gentleman from South Carolina, and any other gentleman, if this matter was not satisfactorily cleared up, whether he would give his vote for them? The gentleman from South Carolina professed to be the friend of the printers, and yet his course would be such as to prevent any man from conscientiously giving them a vote for re-election. Mr. A. said he should be extremely reluctant to suppose Messrs. Gales & Seaton really culpable, as was imputed to them; but, when a charge to that effect was formally made against them, standing on the high credit of one of the members of this House, what could he do? It was due to the parties—to the gravity of the charge—to the respectable source from whence it now emanates, being one of the members of this House, that an inquiry should take place.

Mr. MITCHELL, of South Carolina, said he had considered this charge merely as brought by an editor of a newspaper against Gales & Seaton, when he opposed the appointment of a committee on the subject. He did not suppose it was supported by any member of this House. So long as it rested merely on the assertion, perhaps unfounded assertion, of a newspaper, he was opposed to the examination of it. But he had too much respect for the members of this House to resist an inquiry into a charge supported by the authority of any one of them, and therefore withdrew his opposition to the proposed reference.

Mr. INGHAM called for the reading of the document referred to in debate, to show the effect of the omission of the part of it which had not been printed.

Mr. WRIGHT repeated that the charge now presented was one of an aggravated character against the servants of this House, and it was due to them and to the House that it should be inquired into.

Mr. DWIGHT expressed the same sentiment in justification and support of his motion.

Some conversation took place as to the point whether the letter which had been read was the original, taken from the files of the House, and it turned out to be so.

Mr. WRIGHT again protested against instituting a partial investigation into the merits of this matter, on a question whether it ought to be inquired into. It would be time enough to investigate it, he said, when the whole matter was before the House.

The question was then taken on Mr. DWIGHT's motion, and decided in the affirmative, *nem. con.*

And Messrs. DWIGHT, CONDICT, EDWARDS of Connecticut, KENT, DARLINGTON, SAUNDERS, and BRECKENRIDGE, were appointed the committee.

HONORS TO A DECEASED PATRIOT.

Mr. HAMILTON, of South Carolina, rose and said, the melancholy intelligence which was announced in the gazettes of yesterday, of the death of my distinguished predecessor, the private advices which I have received from South Carolina have but too fully confirmed. When, sir, (said he) it is recollected that Mr. LOWNDES was constructively a member of this House at the period of his death, for I believe that his resignation at that time had not then reached his home; but,

above all, sir, when we consider the station which he occupied on this floor, with such remarkable honor to himself, and advantage to his country; when we are sensible that he was here as it were but yesterday, occupying that place which I now so feebly and inefficiently fill; that the impression left by his delightful character and commanding intellect, is yet almost animated by the vigor of life, I am sure you will not regard the few observations I shall offer on this mournful occasion, as an unseasonable trespass. I know too well how you cherish the recollection of his virtues, not to be certain of your kindest and most respectful sympathy.

It might, sir, be seemingly presumptuous in me to descant on his public virtues in this assembly, where they were so conspicuously exercised for a period of ten years, in which the richest and most various knowledge was successfully blended with the purity and ardor of an ingenuous spirit, and the intelligence of a lofty intellect. But, of his private virtues, I may be permitted to speak. At home, "where we knew him best and loved him most;" where our opportunities were most abundant for observing the delightful sway which the simplicity and modesty of his character exercised over the higher faculties of his nature, it will be allowed us to indulge in an affection for the individual which is quite equal to the admiration which accompanied him abroad. In the softer charities of human life, in the relations of husband, parent, friend, and master, he was amiably and conspicuously loved and distinguished.

There was a belief in which public opinion is supposed to have indulged, in regard to Mr. LOWNDES, which was radically unsound; that he was deficient in decision of character. The mistake naturally grew out of the extreme facility of his disposition, in relation to all objects that were personally advantageous to himself; out of an habitual acquiescence in the postponement of his own interests and distinction to make room for the aspirations of the more sanguine and confident. But, in any of those delicate junctures which arise in morals and patriotism, where it might be expedient to be wrong, but honest to be right, he had, and would uniformly have evinced the triumphant resolves of an undismayed and inflexible spirit. He had emphatically less self love and more self denial than any man who ever came within the sphere of my experience. These virtues were exemplified in a remarkable degree, in the manner in which he received, and invariably treated, the nomination which was made, in his behalf, by his native State, to the first office in the gift of this people.

Whatever opinion he might have entertained, as to the propriety of this measure, he could not but be sensible of the favorable estimation of those who had a right to know him most intimately, but his generous sensibilities were principally aroused, by the ill omens which might possibly be gathered from flinging another competitor into the perilous and troubled arena. Whilst he was conscious that "the office of President of the United States was one neither to be solicited nor declined," he would have regarded it as the greatest misfortune of his life, if he could have won it, by inflicting upon his country the example of successful intrigue and ambition—if he could have obtained it even by one harsh collision, which could have shaken the foundation of this Union.

In this review of an interesting era of his life, I am doing little more than giving utterance to those sentiments that fell from his own lips.

Alas, sir, when I contemplate the void his death has produced at home, that in a State not absolutely sterile in the production of able men, it will be long, if ever that we can hope for the proud distinction of furnishing such a contingent of genius, worth, and knowledge, so large in its amount, so estimable in its qualities for the service of our common country, I cannot but sink under an invincible dismay. Good men do not die, however, without bequeathing something to posterity. I have some where seen a remark, which appears to me to be as philosophically just, as it is consoling to humanity. However feebly, I will attempt its illustration. Vice in its immediate operation is undoubtedly pernicious. The bad man poisons the atmosphere in which he lives, contaminates, "frets his busy hour on the stage," dies and is forgotten. But the virtuous man, such a being as our deceased friend, not only is a blessing to the age in which he lives, but his virtues visit the remotest posterity in a thousand impressive shapes, giving "ardor to virtue and confidence to truth." From his grave there arises a halo of unfading brightness!

I would now tender to you a resolution which would seem naturally to follow the few observations in which I have indulged; but, I give way to the gentleman from Virginia, whose fortune it was to have and deserve the unbounded confidence, friendship, and esteem of my distinguished predecessor, while it comports best with my own feelings, that any testimonials of respect you may accord to the memory of my deceased friend should not come from the State I have the honor to represent.

Mr. ARCHER, of Virginia, rose to follow, with the resolution which had been intimated by his friend from South Carolina, the feeling annunciation which had been just addressed to the House. That gentleman might well feel and speak more strongly than any other member of the House could do, on the subject of this melancholy event, from his more intimate association, both by residence and friendship, with the eminent man whose loss we deplored; and the peculiarity of whose character and fortune it was to be esteemed and beloved in the exact proportion in which he was known. It was, indeed, a character, Mr. A. said, in which the qualities which won esteem, were blended in the happiest unison with those which commanded it. He had no intention of entering into any minute delineation of his character, for many reasons. The most important was, that he felt he was unequal to the office. Nor was it necessary, after the picture which had been presented to us to-day, to which, if he attempted to add any coloring, he should only contribute to deface, per-

haps, that which did not require to be improved. Panegyric, on this occasion, was indeed rendered unnecessary by the settled feeling and opinion of this country in relation to Mr. Lowndes. He had been, for a considerable time, conspicuously before the public, a part of that time comprehending a very trying period of our history, and the judgment of the public had been awarded in relation to him. He was already ranked with the eminent names which had passed by, and been consecrated to national respect. He was already ranked as a man superior in worth as he was in mind—as one of the purest, and ablest, and most faithful of the statesmen who might claim from our country the meed of honor—as combining a large share of the highest titles to human deference and estimation, talent, and public service, and virtue. Mr. A. said that the House would be deficient in the discharge of its appropriate office, it would not reflect the sentiments and the wishes of the people whom it represented, if it omitted the testimony of respectful regret which was due to this afflicting occasion. The face of this country was clothed in mourning, and this countenance ought to be reflected in its proper mirror, the proceedings and language of this House. The House would be wanting, in a due respect to itself, if it omitted this last tribute to a man who had filled so large a space in its service, and brought to it so great an accession of reputation. The House had, he knew, no disposition to withhold the tribute. Their feeling, on the subject, was in a true accord with the feeling of the country. Some gentlemen might suppose, however, that the case was not comprehended by the rule of usage of the House, in this respect. If it were not so embraced, Mr. A. had no hesitation for himself, in saying this was a case in which he would make a rule for the occasion. He acknowledged himself the obligations of precedent in no other place than a court of justice; conceiving, in all other places, a higher obedience to be due to the sources of precedent, the justice and reason from which it was presumed to spring. But the case did fall within the principle and intendment of the usage. We had been told, by his friend from South Carolina, that Mr. Lowndes was constructively a member of this House at the period of his lamented demise. But for the near approach and prospect of this event, his seat would never have been vacated; and because he refused to hold an office of which he was unable to discharge the duties, and had given, in his last public act, a new and further proof of his just claims to our esteem, was the testimony of our respect to be withheld from him which would otherwise have been accorded? This could not, Mr. A. knew, be the sentiment of the House. It was among the first duties of patriotism, especially in a free State, to accord a due testimony of public sensibility to eminent public service. It was the most unquestionable dictate of policy, in such a State, to hold out the incitements, at once so cheap and so splendid, to public virtue, which were afforded by the prospect of posthumous honor and reputation. A case could scarcely occur, calling more loudly for action, in reference to this duty and this policy, than that which was now presented. Mr. Archer had no doubt that the House duly appreciated its obligation; and that there would be an unanimous accord in rendering the last office of respect which he was about to propose, to a man whom it would long be a subject of our pride to remember, and of our regret to have lost; and that, too, at a period of life at which he might have been expected to render still further services to his country and to establish a still larger, though not more undoubted title to its esteem. He should, therefore, move that this House do

Resolve, That the members of this House will testify their respect for the memory of Wm. Lowndes, late a member of this House, from the State of South Carolina, by wearing crape on the left arm for one month.

Mr. Taylor, of New York, addressing the Speaker, said, I rise to second the motion of the gentleman from Virginia, and to tender to him sincere thanks for having made it. To omit this homage of national respect, could in no wise impair the exalted and well-earned fame of our lamented friend, but it would indicate a want of sensibility to the greatest bereavement in the loss of a citizen, which has befallen the Union since I have held a seat in its councils. The highest and best hopes of this country looked to William Lowndes for their fulfilment. The most honorable office in the civilized world—the Chief Magistracy of this free people would have been illustrated by his virtues and talents. During nine years service in this House, it was my happiness to be associated with him on many of its most important committees. He never failed to shed new light upon all subjects to which he applied his vigorous and discriminating mind. His industry in discharging the arduous and responsible duties constantly assigned him was persevering and efficient.

To manners the most unassuming—to patriotism the most disinterested—to morals the most pure—to attainments of the first rank in literature and science—he added the virtues of decision and prudence, so happily combined, so harmoniously united, that we knew not which most to admire, the firmness with which he pursued his purpose, or the gentleness with which he disarmed opposition.

His arguments were made, not to enjoy the triumph of victory, but to convince the judgment of his hearers; and when the success of his efforts was most signal, his humility was most conspicuous!

You, Mr. Speaker, well remember his zeal in sustaining the cause of our country in the darkest days of the late war. You cannot have forgotten—who that heard him can ever forget the impression of his eloquence in announcing the resolution of thanks to the gallant Perry, for the victory of Lake Erie? Alas! alas! the statesman has joined the hero—never, never again shall his voice be heard in this Hall. We shall hear him no more, until the voice of the Archangel shall summon the grave to surrender its dead.

When Mr. Taylor sat down—

Mr. ARCHER rose again, and said that there was one topic of especial recommendation to the regard of this House possessed by Mr. LOWNDES, which, through inadvertence, he had omitted, and which he would now, in reference to his own feelings, and not for any purpose of aid to the resolution, ask permission to supply. It was that, although the highest allurements had been held out to him to do so, as Mr. A. had good reason to believe, he could never be induced to change for any sphere of public service generally regarded as more honorary the service of this House. There was nothing, Mr. A. said, which could have separated him from us but the grave.

The question was then taken on agreeing to Mr. ARCHER's motion; and it was determined in the affirmative, *nem. con.*

On motion of Mr. REID, of Georgia, the House then immediately adjourned.

WEDNESDAY, January 22.

Mr. WILLIAMS, of North Carolina, from the Committee of Claims, made a report on the petition of Thomas L. Ogden, on behalf of himself and others, and accompanied by a bill for their relief; which bill was read twice, and committed to a Committee of the Whole.

The Committee of Claims were discharged from the further consideration of the petition of Nimrod Farrow and Richard Harris, and it was referred to the Committee on Military Affairs.

Mr. PLUMER, of New Hampshire, from the Committee on the Judiciary, to whom the subject has been referred, reported a bill to provide for the reports of the decisions of the Supreme Court; which was read twice, and committed to a Committee of the Whole.

Mr. COLDEN, from the Committee on Naval Affairs, made a report on the petition of James H. Clarke, accompanied by a bill for his relief; which bill was read twice, and committed to the Committee of the Whole.

The House proceeded to consider the report of the Secretary of State of the 3d of December last, of the number of officers and messengers retained in his Department. Whereupon, it was ordered that the said report be committed to the Committee on Expenditures in the Department of State.

The House proceeded to consider the report of the Committee of Claims on the memorial of sundry merchants and others of Baltimore, for further compensation for damages sustained by the sinking of their vessels at the entrance of the harbor of that city. Whereupon, the report and memorial were referred to the Secretary of the Navy, with instructions to report thereon to this House at the next session of Congress.

On motion of Mr. BARSTOW, the Committee on Naval Affairs were instructed to inquire into the expediency of allowing a bounty to captors on all pirates taken and brought into the United States on conviction; and likewise on the vessel and armament in which they may be captured, on condemnation in the United States.

On motion of Mr. MALLARY, the Committee on the Judiciary were instructed to inquire into the expediency of altering the times of holding the district court in the district of Vermont.

On motion of Mr. STEWART, the Committee on the Library were instructed to inquire into the expediency of authorizing the Librarian to form a digested Index to the State Papers, and such other books in the public Library as may require it.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the House of Representatives:

To carry fully into effect the intentions of Congress in making an appropriation of five thousand dollars, by the act of the 14th of April, 1820, for the survey of the Ohio and Mississippi rivers, from the rapids of the Ohio at Louisville to the Balize, for the purpose of facilitating and ascertaining the most practicable mode of improving the navigation of those rivers, orders were given, through the proper department, to the Board of Engineers, to examine and survey the said rivers with reference to those objects, and to report their opinion thereon; which they have done, and which report I now communicate for the information of Congress.

JAMES MONROE.

JANUARY 22, 1823.

The Message was ordered to lie on the table.

The SPEAKER laid before the House a letter from the Secretary of State, transmitting a list of the names of persons to whom patents have been issued for the invention of any new or useful art or machine, manufacture, or composition of matter, or any improvement thereon during the year 1822; which letter and list were laid on the table.

The SPEAKER laid before the House a letter from the Secretary of War, transmitting a report in relation to the military road from Plattsburg to Sackett's Harbor, as required by the resolution of the 14th instant; which letter and report were laid on the table.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a printed statement of the receipts and expenditures of the United States for the year 1821, with an appendix containing statements of the debt of the United States, and of its redemption, to the close of the year 1821.—The letter and statement were laid on the table.

The House took up, on the motion of Mr. WALKER, of North Carolina, the report in the case of Benjamin Curry; and the resolution, unfavorable to the petitioner, appended to the report, was concurred in by the House. The petitioner, on Mr. W.'s motion, then had leave to withdraw his papers and documents.

On motion of Mr. WOODCOCK, to take up the bill "to provide for disciplining the militia of the United States"—(Mr. W. stating that his object was simply to commit it to the Committee on Military Affairs,) the House refused to take it up, by a vote of 61 to 58.

Mr. COOK's resolution, yesterday laid on the table, requesting the President of the United States to communicate all the correspondence be-

tween the Government of the United States and Great Britain, relative to the negotiation of the Convention entered into between the two Governments, on the 20th October, 1818, which may not be inconsistent with the public interest, was taken up and agreed to.

TESTIMONIALS OF RESPECT.

Mr. Wright rose, and remarked, that yesterday we had paid a just tribute of respect to the memory of the Hon. William Lowndes, late a member of this House; and he felt great pleasure, as it was a new case, that it was unanimously adopted. It had established a precedent which he presumed the House would consider itself bound to observe. He therefore moved the following resolution which was unanimously adopted:

Resolved, That this House will testify its respect for the memory of Thomas Van Swearingen of Virginia, Ludwig Worman of Pennsylvania, and James Overstreet of South Carolina, members of this House, by wearing crape on the left arm for one month.

THE MINT.

Mr. Conkling offered the following resolution:

Resolved, That the select committee, appointed on the 13th instant, to inquire into the expediency of continuing in force the law making the crowns of France and five-franc pieces a lawful tender, be also instructed to inquire into the expediency of continuing in force the act, entitled "An act concerning the Mint," approved March 3, 1801; and that the said committee have leave to report by bill, or otherwise.

Mr. Rochester, of New York, said that this resolution reminded him of another subject, somewhat analogous to it, to which he wished to call the attention of the House, viz: the propriety of inquiring into the expediency of reducing the standard of American gold coin, or rather of proportioning it to the value of the gold coin of other countries. This subject, Mr. R. said, had occupied the attention of several committees at former sessions of Congress, at the head of one of which was the distinguished gentleman whose death the nation now deplores, and to whose memory the House yesterday, in a manner so honorable to itself, paid a tribute of respect. That committee, and other committees, had reported in favor of reducing the standard of our gold coin. The subject, he believed, had never been acted upon; if it had been acted upon, it had at least not received the sanction of the House. The gold coin, Mr. R. said, is now entirely disappearing from among us. It may be owing to this cause, very much, that the tabular statements of exports and imports of specie for the last year exhibit a balance of eight millions of dollars against us. It was only yesterday, he said, he had been told that the banks in New York have not in their vaults a single piece of gold of any kind, nor an American or Spanish milled dollar—their specie being made up of French crowns, five-franc pieces, and parts of dollars. He presumed that the banks in other cities were in pretty nearly the same situation. With these views, he wished to propose an amendment to the resolution, to allow him an opportunity to prepare which, he moved that this resolution lie on the table.

Mr. Conkling not objecting to this course, the resolution was ordered to lie on the table accordingly.

CAPTURED VESSELS.

Mr. Breckenridge offered the following resolution:

Resolved, That the Committee on the Judiciary be instructed to inquire into the allowances made to marshals for the safe-keeping of seized or captured vessels.

Mr. B. made some remarks in support of this motion, which the position of the Reporter prevented him from hearing as distinctly as he could have wished. He adverted to the enormous expenses taxed upon suits in the district courts, in cases of vessels brought in by our vessels of war—so heavy sometimes as to consume the whole proceeds of the captures. He stated the particular fact that it had been the habit of some of the district courts to make large allowances to the marshals for the custody of prizes, until they were adjudicated—in some cases as high as twenty dollars per day—when the custody was intrusted perhaps to some underling, who was well rewarded by an hundred cents per day. He had no idea of our gallant tars being thus deprived of the rewards of their valor and enterprise, and trusted, therefore, that the subject would be referred as he had proposed.

Mr. Bassett suggested, that, as this subject was already partly before the Committee on Naval Affairs, it would be better that this inquiry should be referred to that committee.

Mr. Breckenridge replied that he could conceive of no subject which more properly belonged to the Judiciary Committee, than that of the costs of suit in the courts of the United States.

The motion of Mr. Breckenridge was then agreed to, *nem. con.*

PAY OF CERTAIN OFFICERS.

Mr. Lincoln, of Maine, submitted for consideration the following:

Resolved, That the Committee of Ways and Means be instructed to inquire into the expediency of establishing, by law, such offices, the compensation of which has usually been provided for by appropriation bills without any other act of legislation; and such offices, the duties of which have been usually compensated by extraordinary and per diem allowances out of contingent funds.

In offering this motion—

Mr. L. stated that, as the resolution embraced a view of facts which might not have been considered by the members of the House, he thought his duty required him to explain the objects which he had in view. It would be recollected, that, on the discussion of the appropriation bills, for several years past, there had been much debate on the abstract question of the propriety of providing for certain offices which had no legal existence. The appropriation bills had been taken up at a late period of the session, and we had been obliged,

from the necessity of the case, and from the apprehension that the public service might suffer from the neglect to make appropriations, to provide for such offices. In this manner we had been obliged to appropriate into office a clerk to the Attorney General, a clerk to the Surgeon General, two clerks in the Treasury Department, a clerk to the Clerk of this House, &c. The subject had been embarrassed, not only by the consideration of the abstract question before mentioned, but by contradictory statements and opinions, in reference to the necessity of the offices mentioned. The Committee on the Judiciary is not oppressed by much business, and might conveniently inquire into the duties discharged by the officers thus loosely provided for, and into all the facts and opinions having any relation to the subject. On their report, we might act definitively; and the Committee of Ways and Means, by providing for the officers by general, rather than specific appropriations, would put an end to useless discussions. The measure would also secure another advantage, that the officers concerned would be relieved from a painful uncertainty as to the continuance of their offices, and would know what to depend upon.

In relation to the second clause of the resolution, he considered it important, in reference to principle, but not in regard to any pecuniary considerations. He would make a statement, for the truth of which he could vouch, and which would tend to show the beneficial objects of the resolution. It appeared, that, in the Engineer Department, during the last fiscal year, one major and one captain had been employed at an expense, in the aggregate, of $950; in the Quartermaster General's office, one major, one captain, and one lieutenant, during the whole year, and one sergeant, for a part of the year, at an expense of $1,445 15; in the Ordnance Office, one captain and one lieutenant for different periods at a charge of $598 75; in the Commissary General's Office, one captain and one sergeant, for different terms, at an expense of $701 25; and in the Adjutant General's Office, one lieutenant, one sergeant, and one other person at an expense of $586 25; making an amount on account of extraordinary and per diem allowances, paid for during the last year, of $4,281 40. Mr. L. said, that, were he disposed to trifle with the subject, or with the characters or feelings of the persons concerned, he might remark upon one fact, which, on a superficial observation, would seem a little curious, but which only exhibited an error in form, and not in matter or substance. The fact was, that an allowance had been made to the officers for per diem services for every day in the year—so that it would seem that the officers before mentioned had exhibited the unexampled diligence of discharging not only the duties of their stations in the army, but such duties as entitled them to a per diem allowance for the three hundred and sixty-five days of the year—that they allowed themselves no rest, and that even Sunday shone no Sabbath-day to them. But the truth was that they had not shown any such unhallowed industry. The error was, that they had received a per diem allowance, instead of a salary as permanent officers. The truth was, that there had been an Executive creation of officers which ought to exist only by a legislative act. He would not say that the existing arrangement was not economical; he did not believe that it had been adopted with any reference to patronage, or favor, but he considered the principles of our Government opposed to the practice.

Mr. WILLIAMS, of North Carolina, made a few remarks on the subject of the multiplication of clerks in the public offices. It was not in proportion to the increase of business, but to the decrease of it, he said, that clerks had been employed in the Departments. The business which grew out of the accounts, &c., of the late war now nearly gone through with, and the necessity of employing additional clerks must have ceased, if it had ever existed. If it be necessary, however, to employ these officers, let it be done by a regular law of the country, and not by the mere process of inserting a clause in an appropriation bill. We were told, in debate, last year, said Mr. W., that we could not legislate a clerk out of his office by withholding his salary. If that be true, it is equally true that you cannot employ him by voting it. If you cannot put him out by an appropriation bill, you cannot put him in by an appropriation bill. Mr. W. hoped, therefore, that this resolution would be adopted, but that the subject would be referred, not to the Judiciary Committee, but to the Committee of Ways and Means, to which it seemed more properly to belong.

Mr. LINCOLN did not consider it material to which committee the subject was referred; though, as the question did not involve an appropriation of money, but an inquiry into mere matters of fact and law, he thought the Judiciary Committee would be more proper than the Committee of Ways and Means. He added some remarks in favor of the measure itself, founded on the inconvenience and impropriety of discussing the utility or necessity of clerks on the annual appropriation bill, which necessarily brought the question up year after year, to consume the time of the House. For the sake of the clerks themselves this inquiry ought to take place. They now labor under the evil of a total uncertainty as to their future prospects; and it was due to them that Congress should say to them, whether or not their employments were to be continued.

Mr. INGHAM rose to suggest that the subject might be given in charge to the Committee on Public Expenditures, rather than the Committee of Ways and Means, and quoted the rule establishing that committee, to show that the proposed inquiry would fall more within the province of that committee than of the Committee of Ways and Means.

Mr. WILLIAMS declined varying his motion.

Mr. WILLIAMS's amendment was agreed to; and, thus amended, the resolve was agreed to, *nem con.*

DUTIES ON IMPORTS.

The House then again resolved itself into a Committee of the Whole on the state of the Union, on the unfinished business of Monday last,

which is the bill regulating the duties on imports and tonnage.

Messrs. McLane, Ingham, Cambreleng, Colden, Barstow, McKim, Rhea, Warfield, Gorham, Tomlinson, Forward, Trimble, and Wright, engaged in the interesting and laborious duty of preparing, supporting, or opposing amendments to the details of the bill.

At half past 4 o'clock the Committee rose, and the House adjourned.

Thursday, January 23.

Mr. Scott, from the Committee on the Public Lands, to which was recommitted the bill to enable the holders of incomplete French and Spanish titles to lands within that part of the late province of Louisiana, which is now comprised within the limits of the State of Missouri, to institute proceedings to try the validity thereof, and to obtain complete titles for the same, when found to be valid, reported the same without amendment; which bill was committed to the committee to which is committed the bill concerning pre-emption rights in the Territory of Arkansas.

Mr. Jennings, from the Committee on the Public Lands, reported a bill to authorize the State of Indiana to open a canal through the public lands, for the purpose of connecting the Wabash and Miami of Lake Erie; which bill was twice read, and committed to the Committee of the Whole, to which is committed a bill for the preservation of the Cumberland road.

Mr. Mattocks, from the Committee on Military Affairs, made an unfavorable report on the petition of Captain James Biggar's company of mounted rangers; which report, and the resolution annexed to it, were concurred in by the House.

Mr. Walworth, from the Committee on Military Affairs, reported a bill for the relief of Stephen Howard, jr.; which was twice read, and committed.

On motion of Mr. Cocke, the Committee on Military Affairs were instructed to inquire into the expediency of further reducing the staff of the Army of the United States.

Mr. Leftwich submitted the following resolution, which was read, and laid on the table until to-morrow:

Resolved, That the President of the United States be requested to communicate to this House the number of persons, and the amount due from each, whose compensation has been withheld or suspended, in pursuance of the law prohibiting payment to persons in arrears to the United States; whether the amount withheld has been applied, in all cases, to the extinguishment of their debts to the Government; whether said laws have been in force, in all cases, against securities who are liable or accountable for the payment of any arrears due; whether any accounting or disbursing officer, within the knowledge of the President, has given conclusive evidence of his insolvency; if so, is he still in the employ of the United States?

On motion of Mr. Sergeant, the Committee on the Judiciary were instructed to inquire into the expediency of providing by law for compelling the attendance of witnesses before commissioners named in commissions issued by the courts of the United States for taking evidence in other districts of the United States than those where the courts are held; and also into the expediency of establishing by law a mode of taking evidence in equity cases depending in the courts of the United States.

The House proceeded to consider the resolution submitted by Mr. Conkling yesterday; and the same being amended, to read as follows:

Resolved, That the committee appointed on the 15th instant to inquire into the expediency of continuing in force the law making the crowns of France and five-franc pieces a lawful tender, be also instructed to inquire into the expediency of continuing in force the law, entitled "An act concerning the Mint," approved March 3, 1801; and whether it be expedient to make any amendment in the laws regulating the coins of the United States; and also to inquire into the expediency of making the gold coins of Great Britain, Portugal, France, and Spain, receivable in payment of debts due the United States, at their intrinsic value; and that said committee have leave to report by bill, or otherwise:

The question was taken to agree thereto, and passed in the affirmative; and two additional members were added to the committee; and Mr. Sergeant and Mr. Sloane were appointed.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act concerning the disbursement of public money," with amendments. The Senate have also passed a bill, entitled "An act granting to the State of Alabama the right of pre-emption to certain quarter-sections of land;" in which amendments, and last-mentioned bill they ask the concurrence of this House.

Mr. Floyd gave notice that he should to-morrow call up the bill for the occupation of the mouth of the Columbia river.

On motion of Mr. Bassett, the House took up the amended bill from the Senate, entitled "An act concerning the disbursements of public moneys."

Mr. B. then moved that this House agree to the sundry amendments to the bill by the Senate; when, on motion of Mr. Newton, of Virginia, the bill, as amended in the Senate, was ordered to lie on the table.

The bill from the Senate, entitled "An act granting to the State of Alabama the right of pre-emption to certain quarter sections of land," was twice read and committed.

CUMBERLAND ROAD.

The House then resolved itself into a Committee of the Whole on the bill from the Senate making provision for the preservation and repair of the national road leading from Cumberland to Wheeling; when Mr. Trimble moved to amend the third section, by striking out all after the word "services," in the eighth line, and inserting "such sum as may be fixed, by the President, from time to time, not exceeding two thousand dollars per annum;" and, on the motion to agree thereto, it was decided in the negative.

Mr. BUCHANAN proposed three additional sections to the bill. Mr. B., wishing to assign his reasons at large on the bill and amendments, and to give gentlemen an opportunity of examining the proposed additional sections, the hour being now too late for him to do so, moved that the Committee rise.

The Committee then rose, and the amendment moved by Mr. BUCHANAN was, on motion of Mr. FARRELLY, ordered to be printed.

REGULATION OF DUTIES ON IMPORTS.

The House then again resolved itself into a Committee of the Whole on the state of the Union, on the bill regulating the duties on imports and tonnage in the ports of the United States, being the unfinished business of yesterday.

The points which have engaged the attention of the House of Representatives for the two last days were the following:

Mr. McLANE moved to add the following to the bill as a new section:

SEC. 36. Strike out all after the enacting clause, and insert: "That so much of the act passed the twentieth of April, one thousand eight hundred and eighteen, entitled 'An act supplementary to an act entitled an act to regulate the collection of duties on imports and tonnage,' passed the 2d of March, 1799," [except the seventh section thereof,] as is not altered or supplied by, or is not inconsistent with the provisions of this act, shall be and continue in full force, any thing in the 26th section of the said act to the contrary notwithstanding; and so much of all other acts as are contrary to, and inconsistent with, this act, be, and the same are hereby, repealed: *Provided, nevertheless,* That all fines, penalties, and forfeitures, which may have been incurred under any of the said acts, may be enforced in the same manner as if the said acts had not been repealed, or had not expired by their own limitation.

Subsequently, Mr. McLANE withdrew the whole of this amendment, except the proviso, which proviso was agreed to as a new section to the bill.

Mr. McKIM then moved to add the following as a new section to the bill, (being the 7th section of the present collection law:)

And be it further enacted, That, when goods, wares, or merchandise, imported and subject to duty as aforesaid, shall be reshipped and transported coastwise, from one district to another, in the packages in which the same were imported, an invoice, or a copy of such invoice, verified by the additional oath required by the fourth section of this act, and certified under the official seal of the collector, with whom the entry, on the importation of such goods, wares, or merchandise, was made, shall be produced at the port to which the same shall be transported, and the same inspection of such goods, wares, or merchandise, shall be made, as if they had been brought direct from a foreign port or place; and if the invoice, verified as aforesaid, shall not be so produced, such goods, wares, or merchandise, shall be deposited and remain in the public warehouse, at the expense and risk of the owner thereof, until the invoice, verified and certified in the manner above required, shall be produced; and goods, wares, or merchandise, imported, and subject to duty as aforesaid, may be transported coastwise to one or more districts within the United States.

Mr. McLANE moved to amend the amendment by inserting in the 13th line thereof, after the word "place," the words, "Provided that no appraisement of the said goods, wares, and merchandise, shall be made at the said port, so as to change the amount of duties which may have been charged thereon, at the port of their original importation, if the same should have been there entered according to the provisions of this act."

Thus amended, the amendment of Mr. McKIM was agreed to, after much debate, in which Messrs. McLANE, McKIM, WOOD, CAMBRELENG, TRIMBLE, GORHAM, SERGEANT, WRIGHT, RHEA, BUCHANAN, and WALWORTH, took part.

After one or two other trivial amendments were offered by Mr. McKIM, and agreed to, the Committee rose.

[The object for which the Committee rose was to let the bill be printed as amended, in order that gentlemen might have an opportunity of examining and considering the bill in its amended shape.]

TRADE WITH CANADA.

On motion of Mr. STERLING, of New York, the House took up the resolution, laid on the table some days ago, relative to the Canada trade, when the amendment proposed by Mr. WALWORTH to it was withdrawn, in order to give Mr. S. an opportunity of submitting his, amended to read as follows:

Resolved, That the Committee on Commerce be instructed to inquire, and report to this House, whether the provisions of an act of the Parliament of Great Britain, passed the 5th day of August, 1822, so far as they impose certain duties upon the products of the United States passing into Lower Canada, down the river St. Lawrence, or otherwise, with a view to exportation, are not repugnant to existing treaties between this country and Great Britain, or a violation of our right to the free navigation of the river St. Lawrence, or a free inland trade with the Canadas; and what measures are expedient to be taken to obtain a repeal or modification of said act, or of any other act of Parliament, so far as their provisions shall be found detrimental to our commerce, or repugnant to rights secured to us by treaty or national law, or what countervailing provisions may be expedient on the part of the United States.

In support of this resolution, Mr. STERLING said, that, as the resolution relates to subjects deeply interesting, not only to his constituents, but to the nation at large, he trusted it found sufficient apology for his detaining the House a short time, by a few remarks explanatory of his object in introducing it.

A very advantageous and profitable traffic had for a long time been prosecuted by the inhabitants living on the northern and northeastern borders of the United States, with the British Provinces of Upper and Lower Canada. This traffic, on the part of the United States, consisted principally of bulky articles, which found their way to market down the river St. Lawrence.

The free navigation of that river is all essential to the continuance and prosperity of this commerce. Upon it also depends, to a great extent,

the value of those extensive tracts of land, which border upon this river, and the immense bodies of water which discharge themselves into it. An extensive population has seated itself upon the shores of these rivers and lakes, looking to Montreal and Quebec as their natural and proper market, and to the river St. Lawrence as the great highway which nature has opened to them for the conveyance of their products to a place of profitable sale. Many of their products are of so bulky a nature as forbids their being transported to any other market.

They believed, and still believe, that their right to the navigation of this river was secured to them both by treaty and national law.

They had not the remotest idea that Great Britain had the right to deprive them of it, or to shackle it by duties and impositions, which might amount to a prohibition.

Mr. S. said he did not wish to detain the House by an argument upon this point, to show that they were correct in this view of the subject, and that the right to freely navigate this river was secured to them, if not by existing treaties, yet by obligations equally sacred and binding, arising from the laws of nature and nations. He begged permission to produce an authority from that able and distinguished statesman Thomas Jefferson.

The right on the part of the Western people to navigate the Mississippi, when the shores of that river were in possession of Spain, formed an analogous case, and in his report to the President of the United States, upon that subject, Mr. Jefferson remarked that, "if we appeal to the law of 'nature and nations, as expressed by writers on 'the subject, it is agreed by them that, were the 'river Mississippi, where it passes between Florida 'and Louisiana, the exclusive right of Spain, still 'an innocent passage along it is a natural right in 'those inhabiting its borders above. It would, 'indeed, be what those writers call an imperfect 'right, because the modification of its exercise de-'pends, in a considerable degree, on the convenien-'cy of the nation through which they are to pass. 'But it is still a right, as real as any other right, 'however well defined; and were it to be refused, 'or to be so shackled by regulations not necessary 'for the peace or safety of its inhabitants, as to 'render its use impracticable to us, it would then 'be an injury of which we should be entitled to 'demand redress. The right of the upper inhab-'itants to use this navigation, is the counterpart 'to that of those possessing the shores below, and 'founded in the same natural relations with the 'soil and water; and the line at which their rights 'meet, is to be advanced or withdrawn, so as to 'equalize the inconveniences resulting to each 'party from the exercise of the right by the other. 'This estimate is to be fairly made, with a mu-'tual disposition to make equal sacrifices, and the 'members on each side are to have their due 'weight in the estimate."

This, Mr. S. said, he believed to be a sound and correct view of the law of nature and nations, as applicable to the St. Lawrence as well as the Mississippi. No wonder, then, that the inhabitants living upon the St. Lawrence and upon the extensive waters which flow into that river, view the act of the British Parliament, passed on the 5th day of August last, regulating the trade with, and fixing the rate of duties on, goods and produce imported into the provinces of Upper and Lower Canada, from the United States, as a most flagrant and high-handed violation of their rights, and as one which loudly calls for the interposition of this Government. The St. Lawrence is to them what the Mississippi was to the people of the West. The value of their lands; their labor and their produce, depend upon the free navigation of this river; and they never will yield to the idea that they hold so invaluable a right, subject to the whim and caprice of a commercial rival. They hold the right by the sacred obligation of the law of nature and of nations, and they will not shrink from the responsibility of maintaining it at all hazards.

This law of the British Parliament, of August last, subjects their produce, passing into or through Canada, to the most injurious and heavy impositions. It cannot be viewed in the light of a regulation simply for "the peace and safety" of the Canadian inhabitants, as a "modification" of our right for the convenience of British subjects living upon the borders of the river. Indeed, Mr. S. said, if he was correctly informed, many of the most enlightened people of these provinces were opposed to the provisions of the act in question, and considered it as detrimental to them as it was vexatious to the American people.

That this act would be viewed in no other light than as a regulation unnecessarily shackling our right to the navigation of this river, and as rendering its use impracticable to us for the purpose of a fair and legitimate commerce, Mr. S. stated he would read to the House a list of the duties imposed, viz:

Upon every barrel of wheat flour, not weighing more than 196 lbs. net weight, 5*s.* sterling; barrel of biscuit, not weighing more than 196 lbs. net weight, 2*s.* 6*d.*; for every cwt. of biscuit, 1*s.* 6*d.*; for every 100 lbs. of bread, made from wheat or other grain, imported in bags or packages, 2*s.* 6*d.*; for every barrel of flour, not weighing more than 196 lbs. made from rye, peas, or beans, 2*s.* 6*d.*; for every bushel of peas, beans, rye, or calvances, 7*d.*; rice, for every hundred lbs. net weight, 2*s.* 6*d.*; for every 1,000 shingles, called Boston chips, not more than 12 inches in length, 7*s.*; for every 1,000 shingles, being more than twelve inches in length, 14*s.*; for every 1,000 red oak staves, 1*l.* 1*s.*; for every 1,000 white oak staves or headings, 15*s.*; for every 1,000 feet of white or yellow pine lumber, of one inch thick, 1*l.* 1*s.*; for every 1,000 feet of pitch pine lumber, 1*l.* 1*s.*; other kinds of wood and lumber, per 1,000 feet, 1*l.* 8*s.*; for every 1,000 wood hoops, 5*s.* 3*d.*; horses, for every 100*l.* of the value thereof, 10*l.*; neat cattle, for every 100*l.* of the value thereof, 10*l.*; all other live stock, for every 100*l.* of the value thereof, 10*l.*

It will be thus perceived that this act of the British Parliament asserts the right to tax, at pleasure, all our produce thus transported, and of course

to make our commerce upon these waters an instrument of revenue, or entirely to destroy it by the impositions of such enormous duties as would amount to an actual prohibition. And what, sir, is the nature and extent of our commerce, thus shackled and interrupted by this regulation? It may not be great, compared with that of the nation, but it is necessary and valuable to those interested, and whose rights are as much to be respected, and as strongly sustained, as though they filled a greater space in the eyes of the Union. To show that this commerce is not inconsiderable, nor undeserving the encouragement of the Government, Mr. S. read a statement of the exports from the lake ports interested, viz:

For the year	1816	$2,552,324
Do.	17	1,981,871
Do.	18	1,356,039
Do.	19	1,493,052
Do.	20	1,562,061
Do.	21	1,180,991
Do.	22	1,228,963

A great share of this commerce consisted of the articles upon which heavy duties were laid by the act of Parliament of the 5th of August last. Flour and lumber were two of the most heavy and profitable articles in the list thus taxed, and virtually prohibited from being hereafter transported down the river St. Lawrence. Thus it is seen, that this obnoxious act of August last, has a most destructive operation upon this commerce, and appears in the light of a bold assumption on the part of Great Britain to deprive us hereafter of the right to transport our products to market upon the waters of the St. Lawrence.

Is this to be tolerated, or is it to be resisted by all the means in our power? Shall the rights of these people, who have settled upon these remote waters, in the full confidence of being protected in the enjoyment of this great highway, which nature had provided for them, be thus trifled with, and the Government not interpose its arm for their protection? No, sir: I trust the same determined spirit that governed the councils of the nation when the Western people were interrupted in similar rights, still exists, and will extend protection to those interested in the navigation of the St. Lawrence. If you yield to this encroachment, it will grow into a precedent, and the right to freely navigate this river will be virtually and forever abandoned. The rights of a most valuable population, more numerous than that of both the Canadas, settled in six different States, and in one Territory, will thus be disregarded by their own Government, and left without a remedy. Under these circumstances, it becomes this Government to take the most prompt and efficient measures to convince Great Britain of the folly and injustice of her policy. If negotiation will not do, let us again try the virtue of countervailing regulations, as contemplated by the resolution. If Great Britain is resolved to make the St. Lawrence the theatre of operations, let us meet her with countervailing regulations, upon the same waters, where we can affect them as injuriously and as vitally as they can us. Such is the course and navigation of that river, as to compel the boats which descend it, to come within our own territory, where we can visit upon her own commerce, if we are driven to it, the effects of her own policy, and rouse her to a just sense of our mutual rights and convenience. We may, in this manner, interrupt all water communication between her provinces of Upper and Lower Canada, and cause to her an evil of greater magnitude than that which she is inflicting upon us. But, sir, I have no disposition to encourage any but the most peaceful feelings and relations between this nation and that. In particular, sir, I would, with the greatest reluctance, advocate any measure which should tend to interrupt that harmony and friendly intercourse which exist between the inhabitants of Canada and our own citizens. I hope, sir, that negotiation may effect the desired object, but, if that does prove inefficient, I trust that our Government will feel bound, by every principle of policy and of justice, to resist this violation of our rights, and that they lack neither the energy nor the power to effect the objects contemplated by the resolution.

The resolve was then agreed to, without opposition or further debate.

FRIDAY, January 24.

Mr. RHEA made a report on the petition of John Craine, accompanied by a bill for his relief; which bill was read twice, and committed to a Committee of the Whole.

Mr. WILLIAMS, of North Carolina, from the Committee of Claims, reported a bill in favor of Joseph Smith, of Alexandria, which was read twice, and committed to a Committee of the Whole.

Mr. NEWTON, from the Committee on Commerce, reported a bill for creating certain collection districts in the States of Kentucky, Ohio, Indiana, Illinois, and Missouri; and for modifying certain parts of the act of the 3d of March, 1799, entitled "An act to regulate the collection of duties on imports and tonnage;" which was read twice, and committed to a Committee of the Whole.

Mr. PLUMER, of New Hampshire, from the Committee on the Judiciary, reported a bill to alter the judicial districts of Pennsylvania, which was read twice, and committed to a Committee of the Whole.

Mr. JOHN SPEED SMITH, from the Committee on Military Affairs, reported a bill for the benefit of Isaac Hodsdon; which was read twice, and committed to a Committee of the Whole.

The Committee on the Expenditures in the Post Office Department were discharged from the further consideration of the report of the Postmaster General, of the officers and messengers retained in his department; and it was referred to the Committee of Ways and Means.

The resolution of Mr. LEFTWICH, yesterday laid on the table, requesting the President to communicate the number of persons, and the amount due from each, whose compensation has been with-

held or suspended in pursuance of the laws prohibiting payment to persons in arrears to the United States; whether the amount withheld has been applied in all cases to the extinguishment of their debts to the Government; whether said laws have been enforced, in all cases, against securities who are liable or accountable for the payment of any arrears due; whether any accounting or disbursing officer, within the knowledge of the President, has given conclusive evidence of his insolvency; if so, is he still in the employ of the United States; was considered and adopted.

The House proceeded to consider the bill to alter the compensation of members of Congress, and delegates of Territories; and, also, the clerks and doorkeepers, &c., of each House of Congress: When it was ordered that the said bill be committed to the Committee appointed on the subject of retrenchment in the expenditures of Government.

On motion of Mr. TOMLINSON, the Committee on Commerce were instructed to inquire into the expediency of so amending the act, entitled "An act supplementary to the acts concerning the coasting trade," that the provisions thereof shall not affect ships or vessels laden in whole or in part with goods, wares, or merchandise, of foreign growth or manufacture.

On motion of Mr. MERCER, the report on the navigation of the Potomac river was considered, committed to a Committee of the Whole, and made the order of the day for Monday next.

On motion of Mr. BALL, the Committee on Commerce were instructed to inquire into the expediency of giving the surveyors of ports of delivery the same power to grant enrolments and licenses, that is now exercised by the collectors of ports of entry.

DUTIES ON IMPORTS.

Mr. WOOD moved that the House do come to the following resolution, viz:

Resolved, That the Secretary of the Treasury be requested to lay before this House, as soon as conveniently he can, a statement of all the cases, in which the invoices admitted by the Collectors of the Customs, in estimating the ad valorem duties, and the estimates of the value of the goods made by the public Appraisers on the entry of the said goods from foreign ports, have been adjudged too low by a subsequent inspection, under the seventh section of the act, entitled "An act supplementary to an act, entitled an act to regulate the collection of duties on imports and tonnage," passed April 20, 1818; also, the places where, and the persons by whom, the different valuations have been made; also, to state what has been the practical operation of the said seventh section; also, whether any, and, if any, what, ports of entry might be abolished without injury; and whether any, and, if any, what, alterations are necessary and proper in the laws for the collection of the revenue.

Mr. WOOD observed, upon the introduction of the resolution, that, on an examination of the amendment proposed by the gentleman from Maryland, to the bill pending before the House for the collection of the revenue, it would seem that the object of it was to review the decisions of the collectors and appraisers of the ports at which goods are entered on their arrival from foreign ports, at the ports to which the same goods may be sent in the original package.

That this review was not intended to correct error, but to detect fraud, and was predicated on a distrust of the integrity of a whole class of public officers, through whose hands the revenue passes, and who were selected from the whole community with reference to the delicacy of the trust; that he had heretofore been ignorant that our laws embraced a principle so reproachful to the moral character of the nation; he had the highest confidence in the integrity of our merchants, as a distinct class of men, and he should not relinquish it without a demonstration of his mistake.

Sir, said Mr. W., the operation of this principle can only be mischievous; it is a law of human nature, that continued imputation of dishonesty creates dishonesty—makes a man dishonest; it adds to the force of temptation, while it lessens the power of resistance; it enfeebles the moral sense, breaks down the ramparts of virtue, and weakens the influence of moral principle and honorable sentiment.

That if there was reason to distrust the integrity or ability of a single inspection, let it be reviewed on the spot by another board of appraisers, or by a judicial tribunal. Such course appeared to him preferable to successive inspections, at distant periods, and which, he should suppose, must be attended with embarrassment to our internal trade.

Sir, I do not conceive that we are prepared to act on this subject without more information. On all measures relating to the revenue, the opinion of the Treasury has with me much weight. Gentlemen have given us different representations of the opinion of the Treasury. I wish, before I vote for the amendment, to have all the information that the Treasurer can furnish on the subject.

The rule requiring this resolution to lay on the table one day being dispensed with, by unanimous consent, the question was taken to agree to the resolution, and passed in the affirmative.

REGISTERS, &c.—PUBLIC LANDS.

Mr. MOORE, of Alabama, submitted the following resolution:

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of introducing a bill more effectually to prohibit Receivers of Public Moneys and Registers of Land Offices from purchasing public land, either directly or indirectly, in their own land district, at either public or private sale.

Mr. MOORE said: I am so thoroughly convinced, not only of the propriety, but the absolute necessity, of a law such as is contemplated by the resolution I have now the honor to submit, that I trust it will not receive opposition from any quarter.

Sir, it may possibly be said that, inasmuch as the law already prohibits Registers from purchasing, that it is unnecessary to apply the law to that officer. To which I answer, that the operation of the law proves the restraints heretofore imposed are altogether ineffectual. My object, therefore,

is to extend the prohibition to the Receivers, and add additional restraints and more severe penalties, such as will insure its non-violation.

Sir, is there not the most glaring inconsistency in the Government appointing agents to make sale of its land, and permitting those agents, at the very same time, to become the purchasers? Does it not open wide the door for fraud and imposition? On what reasoning, let me ask, is the law based which seeks to prohibit Registers of land offices from purchasing? If it be in consequence of the facility with which fraud and imposition might be practised in this case, surely the reason is much stronger in favor of the prohibition of Receivers of Public Moneys, where the inducement and temptation are equally strong, and his ability and power, by means of the money he holds, much more unlimited, and the consequences much more important.

But, sir, independent of the general doctrine which applies with so much force in favor of the principle embraced by this resolution, if we advert to the practical operation of the laws, the reason will appear irresistible.

To ascertain the effect and operation of the law, I may be permitted to advert to some of the facts as developed by the communication and accompanying documents, furnished by the Secretary of the Treasury, as a response to a resolution I had the honor of submitting last session, but which was not made until so late a period in the session as precluded its being acted upon before an adjournment took place.

The document which I have had reference to, is now before me; but, from the peculiar manner in which I have had it in my power to lay my hand upon it, I fear the contents are not generally known. This was not printed previous to the adjournment of last session, as was the case with many other documents, all of which, with the exception of this, came safe to hand, and in due time; but this, sir, I did not receive before I left home for this place. If other gentlemen have been treated in the same way, they have had but little opportunity of knowing the contents. I have, however, no hesitation in saying that, when the facts herein disclosed are known, the necessity of legislation on this subject will be conceded.

From this document, it appears that a Receiver, in something like two years, in his own land district, had purchased the enormous quantity of forty-four thousand six hundred and forty-six acres, the amount of purchase money of which was $318,579 71. It also appears, that this officer was so much the favorite of the Treasury Department, that no security has been required for the performance of the duties of his office; and that he has been permitted to detain and keep back his monthly and quarterly returns from six to eighteen months, thereby affording the opportunity of not only misapplying the public money by substituting the Mississippi stock for gold and silver, and which was procurable at fifty per cent. discount, to the prejudice of the Government, but also of imposing upon the early settlers on the public lands. One consequence of all which has been the defalcation of the officer on a final settlement of his accounts, to the amount of eighty-one thousand nine hundred and odd dollars.

To say nothing, Mr. Speaker, of the injury Government receives from the want of this sum in the Treasury, in my opinion, a more serious injury is inflicted upon the State, and the early emigrants to it, by the manner in which this debt has been permitted to originate.

Sir, for officers of this description to be permitted to enter the field of competition in purchasing, is to extend privileges to them, by which they may enrich themselves by land speculation, without paying one cent into the public Treasury. And by thus bidding on the credit they hold with the Government, against an honest farmer's purse, containing gold and silver, or its representative, they drive from the State this respectable population, and possess themselves of the poor man's home, which has been made valuable only by his own labor and industry.

Now, sir, from the fate of every proposition which has been made since I have had the honor of a seat on this floor, calculated to extend to this description of population pre-emption rights, and thereby protect them from the unfeeling grasp of the land speculator, I am constrained to believe that this policy, which has done honor to the Government, and only justice to the citizen, may be considered as now abandoned; and that the privations and suffering of the honest emigrant, who penetrates your wilderness, settles and improves your lands, and defends your frontier, no longer excites the sympathies of this honorable body. And therefore it is, that I think it more imperiously the duty of Congress to pass the law contemplated by this resolution; whereby, in future sales, the improver of the soil will be placed more on an equality with relation to his power of purchase, inasmuch as every man who bids against him, will bid on the responsibility of his money; and, if he has to contend with the capitalists, one consolation will be left him—that capital, however great, has its limits; it may be exhausted; but not so with the other description of opponents, who have no limit, save that of ambition and self-aggrandizement. It is, sir, for reasons like these, that I repeat my solicitude for the adoption of this resolution.

The resolution was agreed to.

OCCUPATION OF COLUMBIA RIVER.

The House, on motion of Mr. FLOYD, resumed the consideration of the bill for the occupation of the mouth of Columbia river—the amendment offered by Mr. MALLARY being the first question.

Mr. WALKER moved to amend the amendment, by inserting Columbia instead of Oregon, as the name of the new Territory.

Mr. FLOYD opposed this amendment; and, on the question being taken,

The motion of Mr. WALKER was lost.

Mr. FLOYD moved, by way of amendment, the following, as a substitute for the sections proposed by Mr. MALLARY:

"That all that portion of the territory of the Uni-

ted States, lying on the Pacific Ocean, north of the 42d degree of north latitude, and west of the Rocky Mountains, shall constitute the Territory of Oregon, and that the President of the United States be, and is hereby, authorized and required to occupy, with a military force, a suitable position in said Territory, on the Oregon river, in the region of tide-water, and cause the troops to erect there a strong fort, around which he shall, as soon as practicable, extinguish the Indian title to a tract of country not less than four, nor more than thirty miles square, which district shall be called the District of Astoria."

Mr. Floyd's reason, in part, for offering this substitute, was to restore the original name of the settlement on the Columbia, which had been made by a citizen of New York, (Mr. Astor,) which name had been changed by the British in 1814, when they took possession of it, to that of Fort George. He wished to restore the name of Astoria, in compliment to the enterprising citizen who first made a settlement on the Columbia.

Mr. Mallary, considering that the substitute would answer the purpose of this amendment, accepted it in lieu of his own.

Mr. Walker moved to amend the amendment, so as to provide for extinguishing the Indian title to a tract of 100 square miles, at some situation within the vicinity of the Columbia river, and supported his motion with some remarks; but his motion was negatived.

Mr. A. Smith moved to strike out the word which requires the President to establish a post on the Columbia. He thought some discretion, in such a matter, ought to be left to the Executive, as there might be many circumstances, unknown to the public, which should have an influence on the measure.

After some remarks on this point by Messrs. Cocke, Floyd, and Cook, the question was taken on the motion to strike out the words "and required," and was negatived—ayes 50, noes 55.

On motion of Mr. Taylor, the bill was so amended as to make the quantity of land to be granted to an unmarried settler, 160 acres instead of 200. This was for the purpose of making the grants conform to the established divisions of the public land into sections, halves, fourths, and eighths of sections.

Mr. Colden, after stating his objections to the present shape of the bill, and his unwillingness to vote against the measure, which he should probably be obliged to do, unless he could obtain what he considered a material amendment, moved to insert a clause providing, that the President be required to occupy the post on Columbia river, "when in his opinion the public good shall require it."

This motion was opposed by Messrs. Wright and Floyd.

Mr. Hardin, believing that the House was not prepared to pass this bill, moved the indefinite postponement of the bill; which motion he followed by a pretty full exhibition of his objections to the bill, and to the policy of the measure it proposes.

Mr. Floyd replied to Mr. Hardin at considerable length, in support of the bill.

Mr. Cook, believing, from what he had heard in the House, as well as in conversation, that a large majority of the House was opposed to the passage of this bill; and thinking it improper, therefore, to spend any more time in its discussion, to the exclusion of subjects of practical importance—moved to lay the whole subject on the table, with the avowed intention of voting to keep it there.

Mr. Baylies intimated a wish that this motion should be withdrawn, for the purpose of giving him an opportunity of making some statements, and submitting some views which had not been offered. Mr. C. persisting, however, in his motion,

The question was taken on the motion to lay the bill on the table, and was negatived—ayes 63, noes 79.

Mr. Baylies, of Massachusetts, said, that, although he was sensible that he had already trespassed very much upon the patience of the House, yet he would again solicit their indulgence, while he endeavored to answer some of the objections which had been urged against this measure by two gentlemen from New York, (Mr. Wood and Mr. Tracy,) and one from Virginia, (Mr. Tucker,) and that he rose with more confidence, inasmuch, as the House had indicated a willingness to hear him, by rejecting the motion of the gentleman from Illinois, (Mr. Cook,) to lay the bill on the table.

Gentlemen have said that we ought not to act upon this proposition, because those to whom its consequences might be supposed to be most beneficial, had not, by petition, requested its adoption. Whether it was sound policy to reject a measure, right in itself, on a scruple of etiquette, he would not undertake to decide; but, he would state one fact, to show the reason why those who are concerned in the whale fishery, and who might be supposed to feel a strong interest in the success of this measure, had not petitioned. Most of them are of that denomination of Christians, who are called Quakers, and as any law to encourage the settlement of this territory, would involve its military occupation, it could not be expected, by any one who knew the scruples of that sect, that they would take any steps to procure the enactment of such a law. No, sir, if their firesides were threatened by an invader, if their property and their lives depended upon military defence, they would sooner see their dwellings consigned to the flames, and themselves to poverty, than do an act by which that sacred principle which distinguishes them from all other sects, would be violated. Because they are prevented by religious scruples from asking protection for the whale fishery, is that a reason why protection should be denied? In purity of principle, in sobriety of manners, in systematic industry and in mercantile enterprise, they are not surpassed by any sect which the wide circuit of your empire embraces. They throw no paupers on the public bounty; they send no felons to the penitentiaries, and in their own way they contribute as much to the wealth and the strength of the nation, as any class of your citizens. Sir, if Philadelphia was wholly inhabited by Quakers, and if an invasion was pending, would you take

no measures to protect that national emporium, because its inhabitants had not asked for protection? Sir, it is our duty to protect every part of our empire, and all our national interests, whether on the sea or on the land—a duty not created by a petition.

The distant situation of the mouth of the Columbia river is an objection which has been urged with great zeal, by all the gentlemen adverse to this measure. Sir, I do not mean to say that the mouth of the Columbia river is not far, very far from the City of Washington, yet travellers have gone from this city to that place, and have returned here by land; therefore, it is practicable to reach it. By sea, a long voyage would be required, yet no longer than those which are made from the State of Massachusetts monthly, perhaps weekly. Had men been deterred by distance, our country would never have been settled—it is certainly a wide distance from England to America! I recollect to have heard it said by old men in my neighborhood, that, in their youth, people began to emigrate into that part of Massachusetts which now constitutes the county of Berkshire, (a county now ably represented by my honorable friend, who usually sits near me, Mr. DWIGHT.) The same dread of distance then existed. Men who sought that wilderness were supposed to be lost to civilized society, and to be completely separated from their friends and connexions, and to be deprived of all the joys of social intercourse. During the last Summer I had occasion to travel through that country, and scenes more lovely I scarcely ever beheld—cattle feeding upon every hill, cultivation covering the valleys with its richest drapery, pleasant villages, and an air of quiet tranquillity prevading every thing—yet, sir, living men have heard as horrid stories of this delightful region, now an old country, as we have heard, on this floor, of the Territory of Oregon. Within my own recollection, New England people began to emigrate to the Genesee country, (as it is called,) in the State of New York. I well recollect the arguments which were urged, zealously urged, to dissuade them from emigrating. They were told of wild beasts and of savage men; it was predicted that they, too, would be lost to society, and would either become savages, or would be the prey of savages—of Lake Erie, and the Falls of Niagara, as many fabulous stories were told as of the river Niger, and men seemed to view, with dread, a region so full of wonders and of dangers. Did any of the evil consequences, which were predicted, follow from its settlement? No, sir; here is my honorable friend, (Mr. TRACY,) from the shores of the Lake, living almost within the sound of the waters of the mighty cataract, representing people whose intelligence may well be inferred from their selection of a representative. I hope my honorable friend will pardon me, if I say that the small sum we ask, to establish the Territory of Oregon, would be amply repaid, could we add a gentleman of intelligence equal to his, to the national councils—(and it would not alarm me to see a representative from the shores of the Pacific Ocean on this floor.) People soon began to turn their eyes to the regions beyond the Alleghany Mountains; then it was said that those mountains formed a barrier, a natural boundary, which, if surmounted, consequences the most disastrous to the Republic would follow; if people were so rash as to attempt to settle upon that fair and fertile domain on the western waters, they would be forever lost to the old States; then, sir, we heard of the ruinous drain of emigration, the lessening numbers, the diminished power, and the waning grandeur of the Atlantic States; and then, sir, we heard melancholy predictions of the dismemberment of the confederacy; the terrors of the wilderness, the horrors of Indian warfare, and the transformation of the enterprising sons of the Republic into wild and ferocious savages. The Alleghany barrier was surmounted, and a torrent of population rolled down the western waters; and what have been the consequences? Sir, are not the Atlantic States richer, more populous and more powerful, than they were when this emigration commenced? Look around this Hall, do you discover, amongst the intelligent gentlemen from the West, any traits of savage ignorance—any factious designs of dismemberment and separation? I will not admit that distance has any effect upon loyalty. The provinces of Canada are more loyal, and more attached to the Government of Great Britain on this very day, than the city of London. At last, sir, we acquired Louisiana, one of the fairest portions of our Republic; again the alarm was sounded—the Mississippi was then said to be our natural boundary; if you cross it, (was the language,) the Union will be dissolved—you will infuse a feeling, foreign and strange, into the national character; but the people thought that the prosperity or the union of this country did not depend upon the breadth of a river; they dared to extend the circle of their domain beyond the waters of the Mississippi, and what followed? Gentlemen from the West bank of the Mississippi are now sitting in this Hall, joining in our councils and in our debates, and they seem to have, nay, sir, they have, as much national feeling as any one within the walls. The region west of the Mississippi is as much attached to the Union as that on the Atlantic.

Now, sir, gentlemen tell us that we have reached our *ultima thule*, the Rocky Mountains. We have reached another natural boundary. Those mountains form the eternal barrier which is to fence in our empire on the West; if we pass that barrier, the Union is again to be dissolved. If we reach the Rocky Mountains, one would think that the danger of dismemberment, from going on two or three hundred miles further, would not be greatly increased. All the gentlemen opposed to this measure are willing to go as far as the Rocky Mountains, but never to go beyond. Sir, this is idle. If we reach the Rocky Mountains, we should be unwise did we not pass that narrow space which separates the mountains from the ocean, to secure advantages far greater than the existing advantages of all the country between the Mississippi and the mountains. Gentlemen are talking of natural boundaries. Sir, our natural boundary

is the Pacific ocean. The swelling tide of our population must and will roll on until that mighty ocean interposes its waters, and limits our territorial empire. Then, with two oceans washing our shores, the commercial wealth of the world is ours, and imagination can hardly conceive the greatness, the grandeur, and the power that await us.

The difficulties attending the entrance into the mouth of the Columbia river, is an objection which has been insisted on with much zeal by a gentleman from New York, (Mr. TRACY.) On this subject, I have formed my opinion from the official report of Mr. Prevost; the depth of water is twenty-one feet over the bar, and within sufficient for vessels of any draught. I rely on the accounts which have been published—official reports of Governmental agents—and not upon the hearsay representations of irresponsible individuals. There is no doubt but that the navigation is practicable into the river; and, if it be difficult, one would think that those who were familiarized to its difficulties would have an essential advantage over an enemy ignorant of such difficulties. Some additional light might have been thrown upon this subject, could I have procured the account of the survey made by order of Vancouver, but I am sorry to say I have been unable to obtain it, either in the Congress Library or at the shops.

One gentleman from New York, (Mr. TRACY,) says that the soil is so sterile no grain will grow. Another gentleman from the same State (Mr. WOOD) says, that forty-six is the latitude of grain, and that so much will be grown that the people settled there will interfere with us! I suppose, sir, that grain sufficient for the wants of the country can be produced, and I should not apprehend much disadvantage to the people of the Atlantic States from collision in the markets with rivals on the Pacific. [Here Mr. WOOD explained.]

From the barrenness of the soil and the inclemency of the climate, one gentleman infers that this country can never be settled. Another gentleman is apprehensive that we shall lose a great proportion of our enterprising men, if we settle it. Objections so contradictory I hardly know how to meet. I have no doubt that many enterprising men will go there, but many will be left. It ought ever to be an object of the first consequence with our Government to direct the enterprising spirit of our people into such channels as will be most productive of public good. If the Government widen the sphere of action, and open new avenues for the successful operation of the efforts of enterprise, they fix the foundation of national prosperity on a firm basis.

One gentleman (Mr. TRACY) has urged the dreadful inclemency of the climate of this region as an objection to its settlement. I do not believe, sir, that the climate is inclement. The gentleman picks up his information from unknown individuals. It is well known that the climate on the shores of the Pacific is far milder than it is at corresponding points on the Atlantic. The gentleman acknowledges, that at the mouth of the Columbia there is no snow, and but little frost, but complains of the everlasting rains of the Winter, and of the feebleness of the solar ray in the Summer. The rains which fall during the Winter correspond with the snows on the Atlantic coast; and, from the accounts which have reached us from those who give their names to the public, and who are responsible for the correctness of their information, it would seem to be one of the best climates on the globe. The humming bird, one of the most delicate of the feathered tribe, is found on this coast as high as latitude sixty.

I have been unable to obtain the Travels of Lewis and Clarke from the Library, the volumes containing those travels having been constantly in the hands of some gentleman since the discussion commenced; but I well remember that, on this river, within the region of tide-water, they describe, in language of admiration, the Wappatoo Valley; they describe it as lovely in its aspect, and of abundant fertility. I have examined the accounts given by Cook of parts of the coast below and above the mouth of the Oregon; and he speaks in language the most flattering of the beauty of the country, the serenity of the climate, and the fertility of the soil. Vancouver, also, who was no enthusiast, and who gave this coast a very minute examination, appears to be more delighted with its soil, its climate, and its scenery, than Cook. The account of the Columbia river is omitted in the abridged account of his voyage, (and that is the only one which I have been able to obtain here;) but I will claim the indulgence of the House while I read a passage descriptive of the country about the straits of Juan De Fuca, two degrees further north than the mouth of this river, where we might reasonably suppose that the climate would be more inhospitable, and the soil more sterile. Vancouver, in describing this country, says: "As we had no reason to imagine that 'this country had ever been indebted for any of 'its decorations to the hand of man, I could not 'possibly believe that any uncultivated country 'had ever been discovered exhibiting so rich a 'picture." And, again: "To describe the beau-'ties of this region will, on some future occasion, 'be a very grateful task to the pen of some able 'panegyrist. The serenity of the climate, the in-'numerable pleasing landscapes, and the abundant 'fertility that unassisted nature puts forth, require 'only to be enriched by the industry of man with 'villages, mansions, cottages, and other buildings, 'to render it the most lovely country that can be 'imagined; whilst the labor of the inhabitants 'would be amply rewarded in the bounties which 'nature seems ready to bestow on cultivation."

A gentleman from New York (Mr. WOOD) has said that the trade of the Pacific would be wholly lost to us if we established this settlement. I will point out a course of trade which may place this subject in a new point of view.

The people who control the navigation of the river Columbia, and who first permanently establish themselves on its waters, will command by far the greatest share of the fur trade of the world: of the trade in seal skins, and the skins of the sea otter, they will almost obtain a monopoly; of the trade of the interior they will obtain by far the

greatest proportion. The fur animals of the land, like the Indians, have gradually retreated to the West. The persevering energy of the Northwest Canadian Company has driven them from their ancient haunts, pursued them to the Polar ocean, and followed them with such insatiable avidity that, to escape their pursuit, vast numbers have retreated to the forests contiguous to the Pacific ocean and the waters connected with it, where they now lurk in security. When the trade shall be extended with the natives of that region, and they are certain that their wants can be supplied from permanent stores, and an intercourse with civilized men shall create new wants and new desires, their activity will be excited, and not a tribe for hundreds of miles but what will be engaged in the only employment in which savages can be industrious—the pursuit of game. Sir, I do not hazard too much when I say that Americans, permanently settled on the shores of the Pacific ocean, or its waters, will command the market of all the furs which shall be obtained in the vast territory between the Rocky Mountains and the sea. In vessels of their own construction, and of every size, they can pervade every harbor, river, and creek, on the coast, and occupy every barren island to which the fur animals have been driven by the unsparing avarice of man. The Sandwich Islands will be the stages of their progress in their track to China, where their lading can be completed with sandal-wood. Let us pursue their track still further. Let us suppose a vessel laden with the productions and manufactures of China, pursuing its course onwards through the Indian and Atlantic oceans to the Atlantic States of North America: here a new scene will be opened, another impetus will be given to our infant manufactories—a market which has never been contemplated will be created. The Chinese cargo will be replaced with another, consisting of nails, shovels, spades, scythes, axes, &c., farming implements of every description, coarse cotton fabrics, &c. With this lading the ship of the Pacific would return home to commence another voyage of circumnavigation. With the Sandwich, Marquesas, Friendly, Society, and all the scattered islands of the South Sea, a great trade would eventually grow up, opening every where new sources of wealth, new fields for the successful operations of mercantile ingenuity. Yes, sir, in those beautiful islands, the climes of the bread fruit and the sugar cane; where vices scarcely imaginable have discovered how the beauty of nature might be marred by the moral depravity of man, the votary of evil may be re-stamped with the signet of divinity, and may re-appear in his native excellence. New South Wales and New Zealand, possessed by a kindred people speaking the same language, would present many facilities for a trading intercourse not usually existing between nations. These courses of trade and navigation would create wealth; they would not subtract it from one portion of our people to benefit another. The settlers, inhabiting a country filled with timber, would probably have amongst them a large proportion of shipwrights, blacksmiths, and of that class of mechanics whose labors are necessary in the construction of vessels. At first, they might depend on distant sources for a supply of iron, but that dependence would soon terminate. Iron is indigenous (I believe) in every degree of latitude, (the gentleman from New York, Mr. WOOD, can tell me.) The process of manufacturing iron into pigs and bars is simple, and but a small capital would be required to carry on a forge. Duck, also, for a time, would be supplied from distant quarters. But, if the savage inhabitants of the Sandwich Islands can now *manufacture* a sort of canvass sufficient for their wants, surely the civilized inhabitants of New Albion would soon fall upon some article, and some method of manufacturing, which would relieve them from the necessity of looking abroad. Supplied with timber, iron, canvass, and hemp, they would soon be possessed of a respectable fleet of trading vessels. Labor without capital would effect all the further purposes of trade. Should the trade from the cities on the Atlantic to India be lessened in consequence of the opening of this new channel, no injurious effects would follow. The export of that trade is specie. Should the trade cease to be productive, the specie remains. Nothing is lost but the prospect of gain. And the specie capital will be applied to other objects perhaps not less beneficial to the common interest of the nation.

A gentleman has said that Russia cannot be serious in her claims. Sir, I do not know how we are to ascertain the intentions of nations unless we are to judge from the acts of their authorized agents. If the Minister of the Russian Emperor, in a grave discussion of national rights, should insist, in a written communication, that the dominion of his master extended to certain limits, and that he had the sole dominion upon certain waters, and should define the limits of his claim; and, if the sovereign himself should, by his imperial ukase, the most solemn law of his empire, make known to the whole world that such was his claim—I should say that all this bore an aspect of solemnity which would indicate that he was in earnest, and that a claim thus avowed in the face of the world, and solemnly sanctioned by a law of the empire, would not be yielded, unless the Russian Cabinet are to be considered as the veriest children that ever trifled with legislation. But, says the gentleman, if the claim is serious, and if there is a resolute intention to enforce it, it would be impossible for us to encounter in successful war the mighty Autocrat of all the Russias. From this opinion I totally dissent. I say, sir, that we can encounter him. Yes, sir, on that very sea which he calls his own. On that very shore which he claims, he there shall meet our ocean-warriors; and, notwithstanding the hopes and wishes and anticipations of our trans-Atlantic kindred, the dominion of "the bearded men with green jackets" would soon be terminated on the Western coast of America; and even in his imperial palace at St. Petersburg, the Autocrat may be awakened from his delightful dreams of universal power by the sound of our naval thunder.

It has been said that this settlement could not

sustain itself against the attacks of the natives. Sir, there would be no cause for apprehension, if the settlers deported themselves with common prudence; no combinations that Indians could form, would ever jeopardize the safety of the settlement. There is nothing to be feared from Indian hostilities but treachery. Within three months from the time of the landing at Plymouth, the colonists could not muster twenty fighting men. The effective soldiers of the Salem colonists were not an hundred, and those at Jamestown were less.

After gentlemen have exhausted their ingenuity to prove that this measure will be injurious to the best interests of the nation, they appeal to our humanity, and predict that the wretched natives of the Northwest coast, if this measure prevails, will share the fate of the tribes who once inhabited here, and will eventually fall a prey to the cruelty, the injustice, and the rapacity of the whites. False humanity has been the cause of much distress in this world; men of the best feelings have been deluded by their feelings, and it is now received as an admitted fact, that our forefathers in all their contests with the Indians were in the wrong. Sir, the New Englander, or the Virginian, have no reason to blush for the deeds of their ancestors; the proud sensation which fills their bosoms when they call to their remembrance their deeds of heroism, is an honest feeling. Of the Plymouth colonists I can speak with certainty, for I have carefully examined the history of their early transactions, and I have not been able to discover a solitary trait of injustice, or of oppression, during the existence of their colonial government; the characters of those brave and pious men are spotless, they are not sullied with a single stain; they acted as they professed; their territory was acquired by honest purchase, and with a full understanding on the part of the natives, and an uninterrupted peace of more than fifty years attests the fairness and good faith with which they made their bargains, and fulfilled their promises. When the conflict came which was to decide the superiority of the white or the red race, the natives were the aggressors; they plundered, and they killed before the whites took arms; but when they realized the dreadful truth, that their existence depended upon the issue of the conflict, they went forth strong in the justice of their cause, armed with the Bible and the musket. In the after days of our Republic, some American Livy, if he "writes our annals true," will tell to an admiring posterity the story of their matchless deeds in "Philip's war." The conflict was decisive, and the territory which could then hardly sustain a tribe of fifteen hundred souls, suffering often from famine, and from the diseases incident to the want of food, now supports an hundred and fifty thousand, and can support thrice that number. It must be squeamish morality, which would relent at the expulsion of a few ignorant and ferocious savages, prowling in a wilderness, drinking human blood, and gorging on human flesh, to give place to an hundred times their number of free, intelligent, and civilized men. It must be strange morality which would prefer the adoration of horrible idols, and invocations to demons, to assist in the work of destruction, desolation, and murder, to the prayers which ascend from hundreds of churches on every Sabbath to the God of the Christians. To diffuse the arts of life, the light of science, and the blessings of the Gospel over a wilderness, is no violation of the laws of God; it is no invasion of the rights of man to occupy a territory over which the savage roams, but which he never cultivates, and which he does not use for the purposes for which it was designed—the support of man. "It is as much the order of nature that the savage should give place to the civilized man, as it is that the beast should give place to the savage man." The stream of bounty which perpetually flows from the throne of the Almighty ought not to be obstructed in its course, nor is it right that his benevolent designs should be defeated by the perversity of man.

I have endeavored, sir, to answer some of the objections with which this measure has been assailed, and I now leave it to its fate.

When Mr. B. had concluded—

Mr. Tracy replied to the references which had been made to his observations on this bill at a former day.

Mr. Cook spoke briefly in explanation.

The House, at this stage of the business, adjourned; but, previously to the adjournment, on motion of Mr. Condict, the Committee appointed on the letter of Gales & Seaton, obtained leave to sit to-morrow during the sitting of the House.

Saturday, January 25.

A Message received from the President of the United States some days since, was read, and is as follows:

To the House of Representatives of the United States:

The Convention concluded and signed at St. Petersburg, on the 21st of July last, under the mediation of His Imperial Majesty the Emperor of all the Russias, having been ratified by the three Powers, parties thereto, and the ratifications of the same having been duly exchanged, copies of it are now communicated to Congress, to the end that the measures for carrying it, on the part of the United States, into execution, may obtain the co-operation of the Legislature, necessary for the accomplishment of some of its provisions. A translation is subjoined of the three explanatory documents in the French language, referred to in the fourth article of the Convention, and annexed to it. The agreement executed at the exchange of the ratifications, is likewise communicated.

JAMES MONROE.

Washington, *Jan.* 16, 1823.

The said Message and documents were referred to the Committee of Ways and Means.

Mr. Cocke gave notice that he should, on Monday next, move to take up the bill relative to Revolutionary pensioners.

The Speaker laid before the House a letter from the Secretary of the Treasury, transmitting a report in relation to the fines imposed on citizens of Virginia, for the non-performance of militia duty during the late war, made in obedience to a

resolution of the 7th instant; which was read, and referred to a select committee; and Messrs. McCOY, CRUDUP, WARFIELD, LITCHFIELD, and CRAFTS, were appointed said committee.

The SPEAKER also laid before the House a letter from the Comptroller of the Treasury, transmitting the following documents, viz:

1. A list of accounts in relation to the old internal revenue and direct tax, which have remained unsettled, or on which balances appear to have been due more than three years, prior to the 30th September, 1822.

2. A similar list in relation to the late direct tax.

3. A list of accounts which have remained unsettled, or on which balances appear to have been due, from receivers of public moneys, more than three years, prior to the 30th September, 1822.

4. A list of officers who omitted to render their accounts for settlement within the year ending the 30th September, 1822.

The said letter and documents were ordered to lie on the table.

The SPEAKER further laid before the House a letter from the Secretary of War, transmitting a statement, showing the expenditures of the moneys appropriated for the contingent expenses of the Military Establishment for the year 1822; which was referred to the Committee of Ways and Means.

UNITED STATES COURTS IN LOUISIANA.

The House then, on motion of Mr. JOHNSTON, of Louisiana, proceeded to the consideration of the bill for the better organization of the district court of the United States within the district of Louisiana; and the bill having, on the motion of Mr. J., undergone an amendment, by striking out the annual compensation proposed to be given to the marshal and clerk of the western district, (which is by the said bill established,) and reducing the annual salary of the district attorney for that district to two hundred dollars, and allowing the said marshal, clerk, and attorney, the same fees and allowances as are by law provided for officers of the same designations in New Orleans—

Mr. COCKE moved further to amend the bill by striking out that part of it which proposes to allow the district judge of Louisiana an additional compensation of five hundred dollars per annum for the additional duties imposed upon him by this bill—so that his pay should remain at its original amount, $3,000.

Mr. JOHNSTON, of Louisiana, opposed the amendment, assigning his reasons at some length for the propriety of allowing the additional compensation proposed by the bill, and urged, in support of the necessity of giving this additional sum, the great accumulation of business in the district.

Mr. WRIGHT contended for the allowance of the additional compensation of five hundred dollars to the judge. He thought the additional labor incident to that court, the heavy responsibilities of the judge, and the importance of the business devolving on him, justified the allowance. He entered at some length into the duties of this officer, illustrating, by analogous cases and arguments, the propriety of admitting the compensation asked for.

Mr. COCKE replied to Mr. WRIGHT and Mr. JOHNSTON, supporting his amendment on the ground that the duties of the judge were not sufficient to justify the allowance of the additional sum of five hundred dollars; and that, being an officer paid by the year, the public was already entitled to the whole of his time and attendance, without an additional allowance. Mr. C. said three thousand dollars was a sum adequate to cover all the additional duties to be devolved on that judge, &c.

Mr. TUCKER hoped that, as the sense of the House had been already taken on this question, the bill would pass, in its present form. He considered it very unwise policy in this Government to give inadequate salaries to its judges. He believed the duties of this court were equally important with those of any other circuit court of the United States; and thought, all circumstances considered, that the proposed compensation was barely sufficient, &c.

On motion of Mr. COCKE, the yeas and nays were then required on this question.

Mr. J. S. JOHNSTON again replied to some objections which had been made to the additional compensation of the judge. The object of the Government, Mr. J. said, should be to obtain judges of suitable character and talents. The first consideration of this House should be to effect this object. This was a case justifying the exercise of its discretionary power. Mr. J. enumerated the duties which devolve on the judge already, as well as those which he would have to encounter in the execution of the duties of the contemplated court. He persisted in defending the allowance of the sum of five hundred dollars, because he believed the numerous and arduous duties of this judge required additional compensation to enable him faithfully to discharge them, &c. He concluded with repeating the considerations which had induced him to ask this compensation, &c.

Mr. ALEXANDER SMYTH stated the reasons why he should vote in favor of granting the contemplated additional sum to the judge of the western district of Louisiana.

Mr. MORGAN also briefly delivered his sentiments against striking out the amendment, and hoped the reasonable allowance provided by the bill would be accorded to the judge, &c.

Mr. COCKE made some further remarks in reply to gentlemen, and in support of the motion to strike from the bill its objectionable principle—the additional salary of five hundred dollars.

Mr. BUCHANAN was opposed to the amendment. He argued the justness of the allowance on the ground of the accumulation of business, &c., and intimated his disposition to reward services, in all cases, according to their value and importance.

Mr. LITTLE was opposed to the allowance of the five hundred dollars, and gave his reasons for agreeing to the proposed amendment. He said he was not disposed to tax his constituents to support in affluence a judge for the State of Louisi-

ana. If that wealthy State was willing to give its own judges a large salary, he had no objection. But he was opposed to increasing the salary of officers of the General Government on every occasion of increase of duty. Congress, said Mr. L., augment the duty of clerks by calls on the departments under their direction, and yet we hear no petitions for increase of salary. He thought the principle of augmenting the salary of an officer merely upon the ground of occasional increase of duties an erroneous principle, &c.

Mr. Burrows accorded with the mover of the amendment, and briefly gave his reasons why he should vote for the adoption of it.

The question then recurring on the agreement or disagreement to the amendment, it was determined in the affirmative—yeas 93, nays 62, as follows:

Yeas—Messrs. Alexander, Allen of Massachusetts, Barrber of Connnecticut, Barber of Ohio, Barstow, Bassett, Bateman, Bigelow, Borland, Brown, Burrows, Butler, Cambreleng, Campbell of New York, Carter, Cassedy, Chambers, Cocke, Condict, Conner, Cook, Crafts, Cuthbert, Dane, Durfee, Eddy, Edwards of Connecticut, Eustis, Floyd, Forrest, Gebhard, Gilmer, Gross, Hall, Hardin, Harris, Harvey, Hawks, Herrick, Hill, Hobart, Holcombe, Hooks, F. Johnson, Kent, Keyes, Lathrop, Litchfield, Little, McCoy, McSherry, Matlack, Mattocks, Metcalfe, Montgomery, Murray, Nelson of Massachusetts, New, Phillips, Pierson, Pitcher, Plumer of New Hampshire, Plumer of Pennsylvania, Reed of Massachusetts, Reed of Maryland, Rich, Rochester, Rodney, Rogers, Ruggles, Russ, Arthur Smith, Sterling of Connecticut, Sterling of New York, Stoddard, Swan, Taylor, Tomlinson, Tracy, Tucker of South Carolina, Udree, Upham, Van Wyck, Walker, Walworth, Whipple, White, Williams of Virginia, Williams of North Carolina, Williamson, Wilson, Wood, and Woodson.

Nays—Messrs. Abbot, Allen of Tennessee, Archer, Ball, Baylies, Bayly, Buchanan, Campbell of Ohio, Cannon, Colden, Conkling, Cushman, Dickinson, Dwight, Edwards of North Carolina, Farrelly, Findlay, Fuller, Garnett, Gorham, Govan, Hamilton, Hubbard, Ingham, Jennings, J. T. Johnson, J. S. Johnston, Jones of Virginia, Jones of Tennessee, Kirkland, Leftwich, McCarty, McKim, McLane, McNeill, Mallary, Mitchell of Pennsylvania, Moore of Virginia, Moore of Alabama, Morgan, Neale, Newton, Patterson of New York, Patterson of Pennsylvania, Rhea, Ross, Russell, Scott, Sergeant, Sloane, Alex. Smith, William Smith, J. S. Smith, A. Stevenson, J. Stephenson, Stewart, Thompson, Tucker of Virginia, Vance, Van Rensselaer, Woodcock, and Wright.

The bill was then ordered to be engrossed, and read a third time on Monday next.

OCCUPATION OF COLUMBIA RIVER,

The House again resumed the consideration of the bill for the occupancy of the mouth of the Columbia river, that being the unfinished business of yesterday, the pending question being on the indefinite postponement of the bill.

Mr. Woodson, of Kentucky, gave his reasons at some length on the general merits of the bill, and advocated the propriety of the proposed occupancy of that post.

Mr. McKim also submitted his views of the bill, and briefly commended the wisdom of the policy of protecting our commerce on the Pacific ocean, and of planting a military post somewhere on the borders of the Pacific for that purpose. He argued also against the impossibility of transporting thither a force commensurate to the protection of the commerce on those seas, and obviated difficulties which gentlemen had suggested would be found to exist on the passage of troops to that post.

Mr. Cambreleng said that he had not intended to trouble the House upon the question, but gentlemen had furnished such vast commercial details, and described such vast commercial advantages, as likely to result from the establishment of a military post on the Pacific ocean, he thought it proper to express his opinion, that one frigate on that ocean would afford a better protection to our commerce, than twenty fortifications on the coast. In truth, he said, the question for the House to determine, was, whether Congress would appropriate one, two, three, four, perhaps five hundred thousand dollars annually, to protect the Indian trade beyond the mountains. Gentlemen should reflect upon the consequences likely to result from the passage of the bill. He had, he said, a strong individual interest in the question. He was intimate with, and had a high respect for Mr. Astor, a gentlemen not more distinguished for his wealth than for his enterprise and intelligence. But the interest of the nation was a paramount consideration, and, before gentlemen were ready to pass this bill, that mighty question was to be settled, whether we should establish a government of any kind, and at any time, on the borders of the Pacific? For his part, he considered the question of such magnitude, he should not be prepared to vote upon it, until it had been discussed for at least five sessions. He, therefore, hoped it would be postponed.

The question again recurring on the indefinite postponement—

Mr. Eustis rose to state his objections to an indefinite postponement. After stating his objections to this disposition of the bill, he dwelt a short time upon its merits, considering it as one of the greatest questions which had ever been presented to this House, in consequence of its great political influence and bearing on the nation, &c.

Mr. Breckenridge, of Kentucky, said he regretted that he could not vote for the bill. He would have been glad to have supported the honorable mover, had he been able to do so consistently with his notions of policy.

He said he admitted with the friends of the bill that the measure proposed was an important one; and, when you are called upon to adopt a measure new in its character, you are led to inquire into your Constitutional power to adopt it; and, if it be Constitutional, is it politic? Is it expedient? Sir, the result of my reflections is, that the measure before you is neither the one nor the other.

The bill proposes that you shall erect a military government at the mouth of the Columbia river, and that such of your citizens as are within your

territory, and such as may remove to it hereafter, shall be entitled to a bounty in land from the Government for actual settlement. But, although you invite your citizens to settle in your territory, do you extend to them the Constitution and laws of the Union? No, sir, you give them neither legislation nor courts. They are provided with no civil officers; all the power and authority in the Territory is confided to a military chieftain; you place in his single hands the legislative, judicial, and executive functions of the country, controlled only by the President and Congress of the United States.

The civil and political liberties of your citizens, instead of being protected by your Constitution and laws, are left at the mercy of an individual whose responsibility to you is a mockery. In what part of the Constitution of the United States do you find your authority for doing this? You may institute territorial governments preparatory to their admission into the Union. But the spirit of your Constitution forbids a system of colonization; and, if you had the power, in mercy to yourselves and your citizens, you should not exercise it. The history of colonial governments, from the earliest period up to the present, presents one unvaried scene of wrongs and outrages on one side, and of suffering and revolt on the other. Congress may admit new States into this Union, under the restrictions contained in the Constitution, and have power to make all needful rules and regulations respecting its territory; but it cannot colonize; it cannot confide all its powers to the military; it cannot erect a military despotism.

Or is it pretended that the contemplated organization is a step preparatory to the admission of this territory, when it shall have attained the requisite population, into the Union of these States? If you adopt the bill on your table, admission into the Union is a measure which those who settle in the country may expect, and will have a right to demand. By establishing this government; by inviting your citizens to settle permanently in the country, you impliedly promise them the protection of your laws, and a place in your Union. Have gentlemen seriously thought of the last proposition? Have they sketched even to themselves the probable consequences of admitting Oregon, within any short period, into the Union of these States? Are they prepared to go to war to protect the territorial or commercial rights of the people of Oregon? Are you prepared to meet all the consequences that will probably follow such a step? You must guaranty to them a republican form of government. You must extend to them equal laws—you must attend to all their rights and privileges with the same exactness that you do to the rest of the confederacy.

There can be no community of interest or feeling between governments so situated—separated by the Rocky Mountains, and a distance of three thousand miles, the wholesome blood which flowed from the heart of this confederacy cannot reach the confines of Oregon. There can be no bond of Union between them; and the limb, thus separated from the body, must perish.

This is, indeed, sir, the age of experiments and enterprise, and, I might add, of visions. We have recently heard of connecting oceans by severing a continent—we have heard of penetrating the earth, and finding a habitable country, and a new race of men, in the interior of this globe—and an honorable and learned gentleman from New York, (Mr. COLDEN,) some days since, told us that, before many years, a person going from Europe to the East Indies, would find his best route in landing at New York; thence, by her canal, to the Ohio river; thence, up the Mississippi and Missouri rivers, through the Rocky Mountains, and down the Columbia river to its mouth, ferrying thence to the Asiatic shore! and all this by means of steamboats! I will not, Mr. Speaker, class the proposition before you with these dreams, but, I must say, that I look upon it, not only as wild and visionary, but as impolitic and dangerous.

But, sir, said Mr. B., suppose I am mistaken in this point, and you have Constitutionally the right to establish such a government as that presented by the bill on your table, will it be good policy to do so? What are the objects to be attained by it? We are told by the friends of the measure, that the territory is ours—that some of our citizens are now residing there, and that citizens of the United States have a capital of ten millions of dollars employed in a most lucrative trade on that coast; and we must protect them and their commerce.

I believe, sir, there are but a handful of men there, and these were there when the country was ceded to you. If emigration has taken place since, or trade been commenced by your citizens, it was with a full knowledge that they had no claim on you for government or protection; and where is the evidence that they desire either? Is there a single memorial upon your table, complaining of aggression upon their persons or property? If we were to judge from the immense profits derived from their trade, they ought to deprecate your interference. Sir, the great profits of this commerce arises from its obscurity. Once establish a government in the territory, and send armies and navies to protect it, and the charm is dissolved. Competition will reduce it to the level of other business. But you cannot overlook the expense that must attend this project. The bill appropriates $50,000; but, sir, six times that sum will, probably, be insufficient to transport a few hundred men to the mouth of the Columbia, and support them for one year. Will you, as proposed by the honorable mover of this bill, attempt to march your troops across the Rocky Mountains? The dangers and difficulties of such an enterprise are almost insurmountable. Turn your eyes to the journal of Lewis and Clarke. They had, perhaps, the best appointed body of men for such a service, that could be found in any country; but they would have starved, had they not made food of their own dogs! Will you send them by sea? This would be worse than a voyage to the East Indies.

But, suppose your troops there, and your fortifications erected—what will you have attained?

You will have imprisoned your soldiers, and the very natives will be able to starve them into submission; or you must keep part of your Navy constantly supplying and protecting them. Sir, the expense is too great, compared with the object in view.

Gentlemen inform us that our territorial limits will be invaded by foreign Powers, and we may endanger our just rights, unless we possess ourselves of the country. It is true, we have purchased it, and, except in part, our right is undisputed; and the mouth of the Columbia is not within the disputed boundary. Will our possession give additional validity to the claim? Will it strengthen or enlarge the right we acquired by purchase? If it should fall into the hands of a foreign Power, will his possession weaken our right, or give additional validity to his own?

But, sir, the measure is highly inexpedient in another point of view: The bill allows a bounty in lands to such of our citizens as may remove to the territory. The spirit of migration should rather be repressed in your citizens than encouraged. The States and Territories forming this Union are now too thinly populated; you have yet many millions of acres of public land unsold and unsettled. Your public domains have not all been surveyed, or even explored; and they have all the advantages which fertile soil and good climate can bestow, and they lie under the protecting arm of the Union. Why then, sir, draw off the population which you want at home, and neglect the settlement of the soil you can protect?

An honorable gentleman from New York, (Mr. Colden,) a few days ago, described, in the most glowing and captivating colors, the great profits of a commerce with the mouth of the Columbia. His arguments might indeed have been most forcible, if addressed to the Chamber of Commerce of New York, to prove that they should enter into the scheme as a mercantile adventure; but I hope they had no weight with this House. We have been stigmatized by the civilized nations of Europe, as a country of merchants, ready to barter any thing we have, for gold. Whatever truth there may be in the remark, as applied to us individually, I hope and believe it is destitute of foundation with regard to the councils of the nation. You, sir, will not traffic the political rights of the people of this country, for commercial advantages. The day, I hope, is very far distant, when the blessings secured by our free institutions will be thrown into the market, as mercantile commodities.

A time may arrive, when the States and Territories now composing this Union, may be overflowing with native population; when your posterity shall occupy your seats, they may wish to extend the civil liberty they enjoy, to their fellow-citizens on the banks of the Oregon—then, and not till then, can the measure before you be justified.

Mr. Rhea was opposed to the bill, and delivered some remarks in support of his opinions.

The question being again called for—

Mr. Eustis moved to lay the bill on the table; when, on agreeing thereto, it was determined in the affirmative—ayes 76, noes 61.

Monday, January 27.

Mr. Little presented a petition of Catharine Hayre, late Catharine Orme, praying, for reasons set forth in her petition, to be divorced from John Hayre, her husband.—Referred to the Committee for the District of Columbia.

Mr. Condict presented a memorial of sundry inhabitants of the State of New Jersey, praying that further aid, protection, and encouragement, may be extended to the manufactures of the country; which memorial was referred to the Committee of the Whole on the state of the Union to which is committed the bill upon the subject to which the said memorial relates.

Mr. Sergeant presented a memorial of sundry manufacturers of bridle-bits, stirrup-irons, and coach and harness furniture, in the city and county of Philadelphia, praying for an increase of the duties of those articles imported into the United States.

Mr. Sergeant presented a petition of Watson Atkinson, umbrella-maker, in Philadelphia, praying that such a construction may be given to the act, imposing a specific duty on wire, as will place square iron wire among articles paying a duty of fifteen per cent. ad valorem.

Ordered, That the said petitions be referred to the Committee on Manufactures.

Mr. Gist presented a petition of sundry inhabitants of the State of South Carolina, praying for the establishment of a district court of the United States for the upper or western part of said State. Referred.

On motion of Mr. Blackledge, the Committee on the Public Buildings were instructed to inquire into the expediency of selecting a suitable number of rooms, in addition to the one already occupied by the Clerk of the House of Representatives, for the better accommodation of the Clerks's department.

On motion of Mr. Tomlinson, the Committee on Commerce were instructed to inquire whether it be expedient so to amend the act, entitled "An act to regulate the collection of duties on imports and tonnage," as to abolish the office of measurer; to provide that the duties heretofore performed by the measurers, in virtue of said act, shall be performed by the inspectors; and to prohibit the allowance of any additional compensation to inspectors for measuring.

Mr. Rankin submitted the following resolution which was read, and laid on the table one day, under the rule.

Resolved, That the President of the United States be requested to inform this House, if the treaty concluded with the Choctaw nation of Indians, on the 18th day of October, 1820, has been executed, so far as respects the cession of certain lands to said nation, west of the river Mississippi; and if possession has been given of the lands ceded to them; if not, that he assign the reasons which prevented the immediate

execution of the stipulations of said treaty; and whether the difficulties have diminished or increased by the delay in its execution.

The House took up, and proceeded to consider the report of the Committee on the Judiciary, of the last session, on the petition of Thomas Eames: Whereupon, it was ordered that the report and petition be recommitted to the Committee on the Judiciary, together with additional documents this day presented by Mr. MATTOCKS.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the House of Representatives:

I transmit, herewith, to the House of Representatives, a report from the Secretary of State, together with the documents which contain the information requested by the resolution of the House, of the 19th of December last, relating to the establishment at the mouth of Columbia river.

JAMES MONROE.

WASHINGTON, *Jan.* 25, 1823.

The said Message was read, and ordered to lie on the table.

Another Message was received from the PRESIDENT OF THE UNITED STATES, as follows:

To the House of Representatives:

I transmit, herewith, a letter from the Secretary of the Navy, containing one from Captain John Rodgers, President of the Naval Board, accompanied by a description of the "inclined plane," dock, and fixtures, for hauling up ships; and an estimate of the cost of materials and workmanship, necessary for the completion of a dock and wharves, proposed to be connected with the inclined plane, constructed at the Navy Yard, Washington; and recommend the same to the attentive consideration of Congress.

It is confidently believed that this invention combines advantages so highly useful as to justify the appropriation required.

JAMES MONROE.

The Message was read, and, together with the documents, referred to the Committee on Naval Affairs

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting statements, showing the amounts which have arisen from the sales of lands within the States of Ohio, Indiana, Mississippi, Illinois, Alabama, and Missouri, appropriated by law to the opening roads and canals leading to said States, which has been paid, or is due to each of said States; which were ordered to lie on the table.

The SPEAKER laid before the House another letter from the Secretary of the Treasury, transmitting a statement, exhibiting the amount of drawback payable on merchandise exported from the United States, during the years ending on the 31st day of December, 1819, 1820, and 1821, compared with the amount of duties which accrued on the same respectively; which were also ordered to lie on the table.

Mr. NEALE moved to take up the bill extending the jurisdiction of justices of peace in the District of Columbia; which motion was negatived, 36 only voting in favor of it.

The engrossed "bill for the better organization of the district court of the United States, within the district of Louisiana," was read a third time, passed, and sent to the Senate for concurrence.

Mr. WRIGHT offered the following resolutions of the Legislature of the State of Maryland, which were read:

BY THE HOUSE OF DELEGATES, *Jan.* 11, 1823.

Whereas a system of internal improvement, confined to great national purposes, with proper limitations, would be productive of eminent advantages to the people of the United States; would promote the general welfare, and tend to secure a more perfect union: and whereas doubts may and do exist, whether the Congress of the United States have the power to adopt a system; therefore,

Resolved, by the General Assembly of Maryland, That the Senators and Representatives of this State in the Congress of the United States, be requested to use their best exertions to procure such an amendment to the Constitution of the United States, as will give Congress power to adopt and execute a system of internal improvement, to be confined to great national purposes, with proper limitations.

Resolved, That the Governor be, and he is hereby, requested to cause a copy of this resolution to be transmitted to each of the Senators and Representatives of this State in Congress.

By order: JOHN BREWER, *Clerk.*

SYMMES'S THEORY.

Among the petitions presented to-day was the following, presented by Mr. J. T. JOHNSON, of Kentucky:

To the honorable the Senate and House of Representatives in Congress assembled:

The petition of the subscribing citizens respectfully showeth, that, in our opinion, both the national honor and public interest may be promoted by the equipment of an exploring party, for the purpose of penetrating the Polar regions, beyond the limits at present known; with a view, not only of making new discoveries in geography, natural history, geology, and astronomy, but of opening new sources of trade and commerce.

And it is our further opinion, that Captain John Cleves Symmes, late of the United States Army, who professes to have originated a new theory of the earth, which may be verified by a voyage to the North, will be a suitable person (assisted by men of science and experience) to be intrusted with the conduct of such an expedition.

Independently of the truth or error of Symmes's theory, there appear to be many extraordinary circumstances, or phenomena, pervading the Arctic and Antarctic regions, which strongly indicate something beyond the Polar circles worthy of our attention and research.

We, therefore, pray Congress to pass a law granting an exploring outfit, in conformity to our memorial; and thereby at once subserve the cause of philosophy and the earnest wishes of your constituents.

Mr. JOHNSON moved to refer it to the Committee of Foreign Relations.

Mr. FARRELLY, of Pennsylvania, moved to lay it on the table.

Mr. JOHNSON hoped it would not be laid on the

table. The memorial had many respectable signatures, and perhaps, on further examination, it might turn out that something useful might grow out of the investigation of it.

The motion to lay the memorial on the table was negatived.

The question recurring on referring it to the Committee on Foreign Relations—

Mr. Archer suggested the propriety of referring it, in preference, to the Committee on Commerce, the object of the memorialists being probably to establish a commerce with the interior inhabitants.

The question to refer the memorial to the Committee on Foreign Relations was decided in the negative—56 to 46.

On motion of Mr. Little, the memorial was then ordered to lie on the table.

DISBURSEMENT OF PUBLIC MONEYS.

The House then, on motion of Mr. Bassett, proceeded to the consideration of the amendments of the Senate to the bill concerning the disbursement of public moneys.

[One of these amendments is a proviso, that nothing in the bill shall prevent the Secretary of the Treasury from making such advances, under the instructions of the President, as shall be necessary for the fulfilment of the public engagements.

Another is a proviso, that nothing in the act shall be construed to prevent public officers being required to account more frequently than quarterly.

The third proviso authorizes the continuance in office of any public officer who shall be in arrear to the Government, on his satisfactorily accounting for such arrear.]

Mr. Bassett moved that the House concur in the amendments.

Mr. Sloane, of Ohio, moved to refer the bill and amendments to the Committee of Ways and Means.

Mr. Bassett opposed this motion, on the ground of the subject having been sufficiently examined already, and that delay would only have the effect to defeat the bill.

Mr. Sloane disclaimed any such motive, his object being merely to ascertain whether the amendments did not go to defeat the original enactments of the bill.

The motion to refer the bill to the Committee of Ways and Means, was negatived.

The question recurring on agreeing to the amendments—

Mr. Newton assigned the reasons why he should vote for the amendments. Standing on national and wholly disinterested grounds, he was opposed to the principle of the bill. With the amendments, he should have been opposed to the bill as being an unnecessary law, leaving things just as they now stand. He was in favor of the amendments, however, because they would have the effect to leave things just where they are.

The amendments were agreed to.

[So this bill, as amended, having passed both Houses, wants only the signature of the President to become a law.]

MOUTH OF THE COLUMBIA.

Mr. Floyd moved that the House proceed to the consideration of the bill, now lying on the table, to provide for the occupation of the mouth of the Columbia.

Mr. Chambers, of Ohio, required the yeas and nays to be taken on this question, in order to determine, by that test, whether the House were really determined to act upon the subject at the present session.

The question on taking up the bill was accordingly decided, by yeas and nays, as follows:

Yeas—Messrs. Allen of Massachusetts, Archer, Barber of Connecticut, Baylies, Bayly, Burrows, Carter, Colden, Conkling, Cuthbert, Durfee, Eddy, Eustis, Findlay, Floyd, Forward, Hamilton, Herrick, Hill, Holcombe, Hubbard, F. Johnson, J. T. Johnson, Jones of Virginia, Jones of Tennessee, Keyes, Little, McKim, McLane, Mallary, Metcalfe, Moore of Virginia, Moore of Alabama, Morgan, Nelson of Massachusetts, Newton, Pitcher, Reed of Massachusetts, Reid of Georgia, Rochester, Ross, Ruggles, Russell, Saunders, Scott, Arthur Smith, Alexander Smyth, A. Stevenson, Tattnall, Thompson, Trimble, Vance, Van Wyck, Walker, Walworth, Whipple, White, Williamson, Woodcock, Woodson, and Wright—61.

Nays—Messrs. Abbot, Alexander, Allen of Tennessee, Ball, Barber of Ohio, Barstow, Bassett, Bateman, Blackledge, Breckenridge, Brown, Buchanan, Butler, Cambreleng, Campbell of New York, Campbell of Ohio, Cannon, Cassedy, Chambers, Cocke, Condict, Conner, Cook, Crafts, Cushman, Dane, Darlington, Denison, Dickinson, Dwight, Edwards of Connecticut, Edwards of North Carolina, Farrelly, Forrest, Garnett, Gilmer, Gist, Gross, Hall, Hardin, Harris, Harvey, Hawks, Hemphill, Hobart, Hooks, Ingham, Jennings, J. S. Johnston, Kent, Lathrop, Leftwich, Lincoln, Litchfield, McCarty, McCoy, McNeill, McSherry, Matson, Mattocks, Mercer, Mitchell of Pennsylvania, Montgomery, Murray, Neale, Nelson of Maryland, New, Patterson of New York, Patterson of Pennsylvania, Phillips, Pierson, Plumer, of Pennsylvania, Rankin, Reed of Maryland, Rhea, Rich, Rodney, Rogers, Russ, Sergeant, Sloane, W. Smith, Sterling of Connecticut, Sterling of New York, J. Stephenson, Stewart, Stoddard, Swan, Taylor, Tod, Tomlinson, Tracy, Tucker of South Carolina, Udree, Upham, Van Rensselaer, Williams of Virginia, Williams of North Carolina, Wilson, and Wood—100.

So the House refused to take up the bill.

INTERNAL IMPROVEMENT.

Mr. Hemphill moved to take up the bill for authorizing the President to cause to be procured surveys and estimates for certain roads and canals.

On this motion, Mr. Walworth required the yeas and nays, in order to ascertain, in that manner, whether the House was disposed to act upon the subject, at the present session, or not.

The yeas and nays were taken accordingly, and there were—for taking up the bill 88, against it, 69, as follows:

Yeas—Messrs. Allen of Tennessee, Archer, Barber of Ohio, Barstow, Bateman, Baylies, Bayly, Blackledge, Breckenridge, Buchanan, Burrows, Campbell

of New York, Campbell of Ohio, Chambers, Colden, Condict, Cook, Cushman, Cuthbert, Darlington, Denison, Dickinson, Durfee, Dwight, Eddy, Edwards of Connecticut, Farrelly, Findlay, Forward, Gross, Hamilton, Harris, Hemphill, Hill, Holcombe, Ingham, Jennings, F. Johnson, J. T. Johnson, J. S. Johnston, Jones of Tennessee, Kent, Keyes, Little, McCarty, McKim, McSherry, Mallary, Matlack, Matson, Mercer, Metcalfe, Moore of Virginia, Moore of Alabama, Neale, Nelson of Maryland, Newton, Patterson of New York, Patterson of Pennsylvania, Phillips, Rankin, Rhea, Rich, Rochester, Rogers, Ross, Saunders, Scott, Sergeant, Sloane, Alexander Smyth, W. Smith, John Speed Smith, Sterling of New York, A. Stevenson, J. Stephenson, Stewart, Swan, Tattnall, Tod, Trimble, Udree, Vance, Walker, Whipple, Wood, Woodcock, and Woodson.

NAYS—Messrs. Abbot, Alexander, Allen of Massachusetts, Ball, Barber of Connecticut, Borland, Brown, Cambreleng, Cannon, Carter, Cassedy, Cocke, Conkling, Conner, Crafts, Dane, Edwards of North Carolina, Floyd, Garnett, Gilmer, Gist, Gorham, Hall, Hardin, Harvey, Hawks, Herrick, Hooks, Jones of Virginia, Lathrop, Leftwich, Lincoln, Litchfield, McCoy, McNeill, Mattocks, Mitchell of Pennsylvania, Montgomery, Morgan, Murray, Nelson of Massachusetts, New, Pierson, Pitcher, Plumer of Pennsylvania, Reed of Massachusetts, Reid of Georgia, Rodney, Ruggles, Russ, Arthur Smith, Sterling of Connecticut, Stoddard, Taylor, Thompson, Tomlinson, Tracy, Tucker of Virginia, Tucker of South Carolina, Upham, Van Rensselaer, Van Wyck, Walworth, White, Williams of Virginia, Williams of North Carolina, Williamson, Wilson, and Wright.

So the House agreed to take up the bill.

Mr. WOOD said that he was happy that the House had agreed to take up this bill; that he should have regretted that the able and elaborate argument of the learned gentleman from Pennsylvania (Mr. HEMPHILL) should have remained unnoticed; and rejoiced that he had an opportunity of entering his protest against a doctrine which he considered so destructive to the arrangement by which the relative powers of the General and State Governments were adjusted, and which, until constitutionally changed, Congress were bound to observe.

Sir, said Mr. W., the bill now before this House is intended to lay the foundation of a system of internal improvement, which, under various disguises, has for some time past been silently working its way into the legislation of the General Government.

The frequent agitation of the question, whether this power belongs to Congress, is calculated to raise a presumption that its solution is attended with more difficulty than it appears to me it really is.

It will he readily allowed, that it is of some importance that the true meaning and intention of the Constitution, in relation to a question of such magnitude, should, if possible, be clearly ascertained and settled.

In order to a correct and distinct view of the subject, it is necessary that it should be clearly understood what are the items which compose the subject of internal improvements, and what are the powers necessary and proper for their introduction and cultivation.

The subject of internal improvements embraces all the ordinary means that can contribute to the moral or physical improvement of any State or community; such as relate to public instruction; public health; public infirmity; public industry, and public intercourse: embracing common schools, academies, and colleges; literary, scientific, medical, and religious institutions; provision for the deaf and dumb, the insane, sick and infirm; agricultural societies; regulations to improve the quality of the articles of trade; bounties; arts and manufactures; exclusive privileges; roads; incorporations for pecuniary, economical and eleemosynary purposes, and for the construction of turnpikes, bridges, and canals. It will be readily perceived from this enumeration, that the subjects of internal improvement constitute an independent branch of public policy, and open a wide field for legislation.

The powers necessary to the introduction and cultivation of the various subjects of internal improvement, comprise the greater portion of the municipal powers of any community; such as the power to establish common schools, and literary institutions; to erect and maintain penitentiaries, infirmaries, and eleemosynary establishments; to establish agricultural, mechanical, and manufacturing societies; to grant bounties and premiums, to encourage industry; to pass inspection laws to ascertain and improve the quality of produce; to regulate apprenticeships; to reward inventors of useful arts and improvements by exclusive privileges; to erect incorporations for pecuniary and economical purposes; to levy contributions on towns and counties to pay for private property taken for highways, and to exact personal labor to make and maintain highways and bridges; to incorporate companies for the construction of turnpikes and canals; and to levy taxes and prescribe penalties to give effect to these powers.

The question is, to which Government, in our peculiar system, have the people of the United States assigned the exercise of these powers?

If it shall appear that the powers over the subjects of internal improvement are inadequate to the objects of the General Government, and not necessary to effect them; if they are absolutely necessary to the well being of the States, and adapted to the objects of the State governments; if it shall appear that it was not the intention of the people to intrust them to the General Government, and that the State Legislatures are more competent to their efficient exercise than Congress, it will be manifest that they belong exclusively to the State governments.

The principal object of the General Government is public security against foreign invasion, or external injury. The great object of the State governments is the improvement of society.

The powers adapted to the subjects of internal improvements are inadequate to the objects of the General Government. All the powers above enumerated as applicable to the subjects of inter-

nal improvement are incompetent to sustain an army or navy, or to effect any military enterprise; they are insufficient to wield the credit of the nation; to pledge the faith of the nation, or to command the resources of the nation; they are inadequate to any arrangement with foreign nations; too limited to give effect to any stipulation for mutual intercourse or mutual assistance; and for all the peculiar purposes of the General Government would be useless.

The powers are not necessary to effect the objects of the General Government; the people of the United States have invested the General Government with ample powers for the discharge of its functions; they have furnished all the means necessary to the ends they had in view. The direction of the public force; the negotiation of loans; the engagement of the public faith; unlimited taxation; the formation of treaties; and the regulation of the terms of mutual intercourse with foreign nations, are the means furnished by the Constitution to accomplish the ends intended by the General Government; and no inducement could exist for granting more power than was sufficient for the purposes for which it was framed; it would have been ruinous to the States, and useless to the General Government.

The powers over the subjects of internal improvement are absolutely necessary to the purposes of the State governments; if they are not embraced by the General Government, they necessarily result to the State governments; they cannot be extinguished. It will not be denied that the State governments have been left in possession of powers sufficient for the duties with which they are charged. Without them, society would be stationary, and the country would remain a wilderness; no improvement beyond individual exertion would be attempted; industry would be without motive, and the supply of the necessities of individuals would be the measure of their exertion; there would be no union of effort, no general contribution for any public purpose—the State Legislatures would be useless.

The exercise of these powers are the means of civilization and social improvement; the state of internal improvement marks the different stages in the progress of society from barbarism to refinement, and distinguishes the citizen from the savage—polished from barbarous manners.

The cultivation of internal improvements opens the treasures of knowledge; develops the powers of the human mind; restrains the passions, and tames their ferocity; calls into exercise the social and moral virtues, and unites men by the ties of mutual interest and affection; attaches them to kindred and country, and multiplies the sources and enlarges the sphere of human happiness.

These powers are fully adequate to the purposes of the State governments; they embrace every subject of internal improvement; they extend to every object that can affect the moral or physical condition of the community, and may be applied with effect as the state of society or circumstances of the people may require; they are limited in their operation to the territory of the State, and their whole force is exerted and exhausted in developing the internal resources of that State.

Again, sir, these powers were never intended to be surrendered to the General Government by the people; they belonged to the States under the Confederation; they were not enumerated in that instrument, and it admitted of no implication; the want of these powers was not deemed a defect in that instrument; it was not among the causes that led to the adoption of the present Constitution, and the scrupulous jealousy with which the Conventions who adopted it canvassed every item of its powers, forbids the belief that they intended to grant an atom of power that was not essential to the ends of the General Government.

It seems to have been a rule which governed the people in the distribution of the sovereign power, not to confer any on the General Government which the States were as competent to exercise.

Indeed, it was not so much the object of the people to confer any new powers on the General Government, as, by a new modification, to render those already granted more efficient; the defective mode of supplying the public Treasury by quotas on the States, instead of a direct resort to the people by taxation, paralyzed the powers of Congress under the Confederation, and rendered them unable to fulfil the public engagements. To remedy this defect, the people added to those they had already granted the power to lay duties, imposts, and excises, with that of direct taxation. The only new subjects of a municipal nature that were assigned to the General Government, were those of bankruptcy and naturalization; and the insertion of these, evinces the exclusion of all others.

The intention of the people of the United States to preserve the powers over internal order and improvement entire to the States, is clearly proved by the partition of their sovereignty between the General and State Governments; the different and distinct objects of the distribution; the nature and quantity of power allotted to each; the restrictions and and limitations imposed on the exercise of the powers of the General Government; and is still further manifested by the rejection of a proposition to engraft a portion of these powers in the Constitution by the General Convention who framed it; by the opinions expressed in the amendments proposed to it by the State Conventions at the time of its adoption; and by the declarations accompanying those amendments. The few powers of a municipal nature which were added to the Constitution, were exceptions to the general distribution and depository of municipal power; the exercise of this power by the General Government would invade the soil and jurisdiction of the States, infringe their legislative and judicial authorities, and break down the limits prescribed by the Constitution, as understood by the Conventions who adopted it.

The States have uniformly continued to exercise these powers under the new Constitution, and the prosecution of internal improvements constitutes, at present, the principal employment of the

State Legislatures, and is the end of most State laws. It may be added that the United States have never exercised this power, and the omission warrants the inference of a conviction that it was within the province of State legislation.

The means of personal happiness are among the rights that are not alienable; the want of them disqualifies a man for the discharge of his high destinies, and subjects him to a lower grade in the rank of being than his faculties indicate that he was intended to sustain. The surrender of the means of social improvement and social happiness, by a whole society, without necessity, would have been a species of self-immolation irreconcilable with all the principles of moral order.

Again, sir, the States are more competent to the exercise of these powers than the General Government: the efficient exercise of these powers requires local knowledge, local authority, and the vigilance, economy, and perseverance of personal interest, and personal exertion; emulation among the States also gives energy to exertion: the example of one prompts others to correspondent exertions, until the spirit of improvement pervades the whole. By the exercise of these powers, the progress of improvement in the several States is without example: in the course of forty years, the face of the country and the state of society have been changed; schools, colleges, and churches, literary and scientific institutions, have been established; incorporations for pecuniary, economical, and eleemosynary purposes, have been erected; agriculture has been improved; arts and manufactures introduced; trade extended to every part of the globe, and the country has arrived at a state of moral and political improvement which it cost Europe half as many centuries to attain, and which, with regard to laws and government, she has not yet attained.

The division of the country into distinct governments, of a limited extent, with ample powers for all local and municipal purposes, has contributed to this result more effectually than any General Government could have done; no General Government would have had time to attend to the innumerable subjects of legislation afforded by a new and growing country. If Congress had been invested with the power over internal improvements, and had their sittings been permanent from the commencement of the Government, it is not believed that it would have been possible for them to have effected one-tenth part of the improvements that have been introduced by State legislation.

The resources of the States are ample for the purpose of internal improvements; their councils are unoccupied by other objects; their local information is complete; their operations efficient and economical; the power over this subject is therefore in proper hands, and could not be changed without manifest injury to the vital interests of the community.

The gentleman from Pennsylvania, in his ingenious argument on this subject, endeavored to derive a criterion by which to distinguish the subjects that belong to the General Government from those that are within the province of the State legislation, from the character of the subject; he ascribed all such as are of great public utility, of universal necessity, and involving great expense to the General Government, in virtue of its supremacy arising from its general powers; and in support of his construction, referred to the appropriations heretofore made by Congress for opening roads in the new States, and to the petitions on your table praying for similar appropriations.

Sir, to predicate the power of Congress over the subjects of internal improvement on their utility, universal necessity, or great expense, is clearly a *petitio principii*, assumes for granted the point in dispute, and is really begging the question. By this rule of construction, every subject of internal improvement would devolve on Congress; they all possess, in a greater or less degree, the characters that are assigned to subjects of the General Government; common schools and religious institutions are of much more general utility, and involve more permanent expense than any other subject; this rule, therefore, would destroy every federal feature of the Constitution, and lead to a consolidated Government with unlimited powers.

It is becoming fashionable to call every subject, of a general nature or of general utility, a national subject; a road leading from one section of the Union to another becomes, in the cant of the day, a national road; but this abuse of language ought not to betray us into an assumption of power not intrusted to us by the people of the United States.

The subjects of internal improvement possessed the same character under the Confederation that they now have; they were then of as great utility, of as universal necessity, and of as expensive cultivation, as they now are; the subjects within the power of Congress are not therefore to be distinguished by these characteristics; the rule is arbitrary, proves too much, and therefore is inoperative.

Most of the powers of Congress have reference to public defence, and their operation is confined to such subjects as are essentially connected with that object; the best criterion, therefore, by which to distinguish the subjects that belong to Congress from those that belong to the jurisdiction of the States, is their capacity or fitness for that end; such only belong to Congress as are essential to the execution of some enumerated power; and this is the rule by which to ascertain the implied powers of the General Government.

But it is not admitted that any powers belong to the General Government by virtue of its supremacy, except such as result from necessity, and these are not subject to any rule. The implied powers are ingredients of the express powers, are wrapt up in them, and make a part of them; they are obvious, may be defined, are uniform, and are necessary in the ordinary course of legislation; on the contrary, powers resulting from necessity cannot be foreseen, are indefinite, of rare occurrence, and not among the ordinary exercises of

legislative power; they are more properly a subject of Executive discretion than legislative exertion. The Executive, as the guardian of the public safety, is bound to take care that the public receive no detriment; and, in extreme cases, the safety of the people becomes the supreme law; and, to save the country from impending calamity, the capital of the empire may be burnt; but it would be an illogical deduction to infer from thence, that conflagration was among the ordinary powers of Congressional legislation, or the ordinary means of defence confided to the Executive.

Although most of the powers of the General Government are indicated by its object, yet there are some of a different nature, that have been assigned to it merely by the arbitrary will and pleasure of the people in the distribution of their sovereign power; no criterion for distinguishing them can be assumed that is perfectly correct; the fact of their possession by the General Government can only be ascertained by resorting to the Constitution itself, and by a fair construction of its meaning and intention.

The acts of Congress occasionally passed, *sub silentio*, making appropriations for opening roads in the new States and Territories, prove nothing. They proceeded on the ground of ownership by the United States, and with a view to the sale and settlement of the public lands. They do not involve the question relative to power over internal improvements, and are referrible to the power expressly granted to Congress over the public territory.

The petitions on your table praying for appropriations to aid internal improvements in certain sections of country, prove nothing but the wish of interested individuals to have access to the public treasury, to accomplish improvements for their own benefit, or for the benefit of the section of country where they live—a partial and local benefit, at the expense of the people of the United States.

From these views of the subject, we may conclude that no general power over the subject of internal improvements is derivable from the enumerated powers of the General Government, nor does it result to it by virtue of any supremacy arising from its general powers.

The next inquiry is—Is this power incidental to the enumerated powers of Congress? The gentleman from Pennsylvania contends that the power to make canals is incident to the power of Congress over commerce, and that the power to make roads is derivable from the respective clauses relative to the Army and to the Post Office.

By the second clause of the eighth section of the first article of the Constitution, Congress have power "to regulate commerce with foreign nations, among the several States, and with the Indian tribes."

In my apprehension, no part of the Constitution has been more misconstrued than this. By no rule of construction can the inference which is drawn from it be supported. Commerce is nothing more or less than buying and selling. The right of property is an exclusive right; what one man owns, no man can take from him without his consent; it is a perfect right, and can be enforced in a court of justice. The rights of buying and selling must, therefore, be reciprocal; the exercise of these rights must be free and voluntary; you cannot compel another to buy your goods. Nations, in this respect, resemble individuals; one nation cannot compel another to buy or sell. Congress might have closed the ports of the United States against all nations; and foreign nations, not restrained by treaty, have a perfect right to shut their ports against the citizens of the United States.

By the Constitution, the power over foreign commerce is divided between the Executive and the Legislature. The President, with the consent of the Senate, has the power to form regulations with other nations, relative to the residence of Consuls, the subjects of contraband of war, of prizes and recaptures; he may make stipulations with any foreign nation for the reciprocal reception and protection of the vessels of the two countries into the ports of each other; and he may stipulate for the mutual exchange of goods, on the terms permitted to the most favored nation; and this is the limit of his authority, on the subject of foreign commerce. Congress have the exclusive power of prescribing those terms. This is effected by the imposition of duties on foreign goods; they have no power over their exports—no power without the limits of the United States, except over their own vessels upon the ocean; but their power over imports is unlimited, and uncontrollable by the treaty-making power.

The whole power of Congress over foreign commerce is exhausted by the tariff, and extends no further, except to such incidental provisions as are necessary to the safe entrance into our harbors, and safe landing of the goods, with the means of ascertaining their value, weight, and quantity, in order to estimate the duties to which they are subject.

The sole object of the power of Congress over foreign commerce is revenue; and this is collected in the ports of entry, and has no connexion with any subject of internal improvement. The power to make canals is clearly no more derivable from it, than the power to regulate marriages or apprenticeships.

By the same clause, Congress have power "to regulate commerce among the several States."

The gentleman from Pennsylvania supposes that this clause gives Congress power over the internal trade of the several States, and of the United States, and involves the power of constructing canals as auxiliary to it.

A careful examination, if I mistake not, will lead to an opposite conclusion.

The internal trade of a State consists in the operations of buying and selling the productions of the agriculture, arts, and manufactures of the country; it is free from any control of any power exercised by Congress, and subject only to the municipal laws of the State.

Every State, by its supremacy over its own territory, and the obligations imposed by a proper re-

gard to its own preservation and prosperity, must regulate its own internal commerce. The power of a free State over its internal trade, extends to the prohibition of unlawful, immoral, and impolitic contracts, and to regulations for multiplying the facilities of trade, and for the improvement of the value and increase of the quantity of domestic produce and manufactures.

Every State in the Union exercised this power under the Confederation, and every State now composing the Union exercises the same power. They prohibit the introduction of slaves, and of lottery tickets; they prohibit the recovery of gambling debts, and the enforcement of usurious contracts; they regulate bank paper, bills of exchange, and auction sales; they grant bounties; impose inspections, to ascertain and improve the quality of exports; they encourage the introduction of valuable improvements, by exclusive privileges, and expensive establishments, by incorporations; and improve the means of intercourse, and the facilities of trade, by multiplying their roads, bridges, and canals. These constitute the chief employment of their Legislatures, and are the subjects of most of their laws.

The United States have never claimed any participation in the exercise of these powers; and the tenth section of the first article of the Constitution expressly recognises the power of the States to regulate the quality of their exports; this controls and regulates every article of exportation, and is a recognition of the whole power over internal trade.

But the gentleman from Pennsylvania alleges, that the United States use the waters of the several States; and from that fact, deduces an inference in favor of the power of the United States over the internal trade of the States, and over the means necessary to improve it. The power over our foreign relations, a navy, and imports, involves a right to use the ports and harbors of the several States, so far as is necessary to effect any authorized end to those powers. But the exercise of these, or of any other peculiar power of the General Government, within the several States, involves no authority over the peculiar subjects of State cognizance. The appropriation of the soil, the means of intercourse, and the regulations of police, are essential to the internal order, improvement, and prosperity of every society, if not to its existence, and belong exclusively to the States.

The jurisdiction of the States extend to the waters as well as to the land within their limits. The provision in the eighth section of the first article of the Constitution, rendering a cession by the States necessary, to invest the General Government with jurisdiction over territory within the States, proves the reservation of the territorial rights of the States; and the respect paid to their quarantine regulations, by the collection law of the United States, vol. 3, p. 127, is a recognition of their jurisdiction over their waters. The objects of the General and State Governments are distinct; but the laws relating to these different objects are not opposed to each other; on the contrary, they form together one entire system for the united purpose of internal order and external security—the improvement and protection of society. The use of the ports and harbors of the States by the General Government, does not interfere with the territorial rights of the States, any more than the march or encampment of an army on the soil does.

The case resembles, in some measure, a right of way over another man's ground: the exercise of such right does not affect the title in any other respect, nor interrupt the owner in the use of the land. It is not a case of concurrent power, in which the General and State Governments have co-equal authority over the same subject as over all subjects of taxation, other than imports. The territory of a State is the common theatre for the exhibition of the powers of both Governments; they are tenants in common in the use of it, for the purpose of effecting the peculiar objects of their several and respective powers; but the theatre itself is the property of the State, and it is both the province and duty of the State to order, repair, and improve it.

The different depositories of their sovereign power were adopted by the people to secure them from the danger of a single Government; this fact forbids the admission of any exercise of authority that would disturb the distribution—such a construction would destroy the relative proportions of the General and State Governments, defeat the intention of the people, confound the powers of the two Governments, and subject the whole to the control of the General Government; except, therefore, the use of the waters of the States, by the United States, for the purpose of defence, protection, and revenue, the jurisdiction of the States over them is entire and exclusive.

The States have, at all times, exercised a sovereign power over the waters within their limits; they regulate the use of them; they make their rivers highways; they improve the navigation of them, and punish those who obstruct them; they establish ferries and erect bridges over them; and grant exclusive rights in them, for limited periods, as a reward for new and improved modes of navigating them.

It has been insinuated, that an exclusive grant of navigation would interfere with the powers of the General Government, in case it should operate to exclude vessels having a coasting license from the waters of a State.

It is not admitted that there would be any such interference; the revenue laws exempt the masters or owners of coasting vessels under fifty tons, and not employed in carrying foreign goods, from entering and clearing for one year, on their paying tonnage, and giving bond not to defraud the revenue.

They are required to take a license to evince their compliance with the law, the want of which subjects them to foreign tonnage; the coasting license is, therefore, merely an evidence of the title of the vessel to the privileges of a vessel of the United States; it gives no new authority; it confers no privileges but exemption from seizure and foreign duty, secures no indemnity for contempt

of State laws; and an exclusion from participating in the privileges of a monopoly involves no conflict with the authority of the United States.

The gentleman from Pennsylvania contends that this clause also authorizes Congress to regulate the internal trade of the United States.

The variety of climate, and the diversity of industry in the different States, unite the different sections of the Union, by the ties of mutual interest, and produce a constant interchange of commodities between them. The merchants of New York exchange their flour with the merchants of Savannah, for the cotton of Georgia; but no duties can be imposed on the exportation of the one, or the importation of the other; Congress have no power on the subject, can make no regulations, because no regulations are required or permitted; but the gentleman supposes that the relinquishment of the power by the States, of regulating commerce with each other by treaty, gives that power to Congress; a reference to the condition of the States, before and since the adoption of the Constitution, will evince the error of this opinion.

Under the Confederation, Congress had no power over commerce; that belonged exclusively to the States; they exercised the same power over imports that Congress now do; the States were, in this respect, foreign to each other, and to secure an equitable exercise of this power, they retained the power of making treaties with each other, subject to the consent of Congress; but when, on the adoption of the Constitution, it was agreed to grant to Congress the whole power over foreign commerce, and it was stipulated that all imposts should be uniform throughout the United States, and duties on exports were prohibited, the citizens of the different States became, with regard to foreign commerce and commerce among the several States, one people, not differing in this respect from the citizens of a single government; the necessity of treaties, therefore, to regulate their commercial intercourse, was superseded by the provisions of the Constitution; the power became useless, and was, therefore, relinquished.

The object of this clause of the Constitution is merely to aid the execution of the revenue laws to give effect to the powers of Congress over imports; the duties are paid at the ports of entry, and then circulate freely throughout the United States. To guard the revenue from invasion, it is necessary that some evidence should accompany the goods in their transportation to the ports of delivery, to show that the duties are paid, and in case of evasion to enable the revenue officers to seize them; for this purpose, manifests and permits are granted, on the production of which, the goods are landed, sold, and distributed without interruption or inquiry; this construction preserves the powers of the two governments in harmonious concord, and gives efficacy to both; this clause of the Constitution, therefore, furnishes no ground for any claim to a power by the General Government over the internal trade of a State or of the United States, or to any power subsidiary or incidental to it.

The gentleman from Pennsylvania derives the power of Congress to make roads, from the general powers of Congress in the same section "to establish post offices and post roads," and "to raise and support armies."

It was evidently intended that the roads of the States should be used for every purpose, for which roads should be wanted, by the United States; but in case it should become necessary to establish a correspondence between two military stations, or other public places, or to transport an army, baggage, or cannon, in the prosecution of a military enterprise, where there was no road, the power to open one in such cases would result to the Government, as necessary to the execution of these powers; but this is an exception to the general power of the States over the subject of roads, and furnishes no precedent for any other roads, or in any other cases, much less for the exercise of a general power on the subject of internal improvements.

From every view of the subject, the conclusion results that Congress have no general power, either by express grant, or necessary implication, over the subject of internal improvements; but that the power is exclusively vested in the State governments, subject only to such occasional and transient exercises of particular acts by the General Government, as may become necessary in the execution of its legitimate authority

But, sir, suppose there was no Constitutional objection in the way of the measure now proposed—in my judgment it would be inexpedient to adopt it; the only plan that could be adopted without offence, would be to make appropriations for this purpose among the States, in proportion to their population, which would only be returning to the people the money which they had contributed to the public Treasury, and which they might have expended on the subject of internal improvements, without the expense and delay of so circuitous a circulation.

Sir, it is in vain to expect any general appropriations; your revenues are inadequate to the object; if any appropriations are made, they will be local and partial; this will excite jealousy and distrust among the States; will engender local prejudices, and impair the public confidence in the General Government; it would, indeed, be the apple of discord, which might, in its eventual progress, produce more mischief than the conflagration of Troy.

Sir, I have discharged my duty—my argument is with the House.

When Mr. WOOD had concluded—

Mr. FARRELLY, of Pennsylvania, delivered his sentiments in favor of the bill. When, on motion of Mr. A. SMYTH, of Virginia, the bill was again laid on the table for the present.

TUESDAY, January 28.

The SPEAKER laid before the House a letter from a Committee of the freehold inhabitants of the County of Wayne, in the Territory of Michigan, expressive of an opinion, adverse to any change in the form

of government of said Territory; which letter was committed to the Committee of the whole House on the state of the Union to which is committed the bill to amend the ordinance and acts of Congress for the government of the Territory of Michigan, and for other purposes.

The SPEAKER also laid before the House a letter from the Governor of the State of Maryland, enclosing, in obedience to a resolution of the General Assembly of Maryland, a copy of the report of the Commissioners appointed by the Executives of Maryland and Virginia to survey the river Potomac; which letter and report were referred to the Committee of the Whole to which is committed the report of the Committee for the District of Columbia, of the last session, upon the subject of the navigation of said river.

Mr. HEMPHILL (by leave of the House) presented a memorial of the President and Directors of the Bank of the United States, on the part of the stockholders of the said bank, stating certain grievances under which they labor, arising from defects and omissions in the act for their own incorporation; which memorial was referred to the committee appointed on the 20th instant, on the memorial of sundry banks of Charleston, in the State of South Carolina.

Mr. McLANE, from the Committee of Ways and Means, reported a bill making appropriations for the support of Government for the year 1823; which was read twice, and committed to the Committee of the Whole on the state of the Union.

On motion of Mr. WALWORTH, the Committee on Military Affairs were discharged from the further consideration of Mr. CANNON'S resolution, directing them to inquire whether the Military Academy or occasional encampments of the militia would tend to preserve more effectually military knowledge among the latter; and it was referred to the Committee on the Militia, of which Mr. CANNON is chairman.

The House took up the resolution yesterday submitted by Mr. RANKIN, calling for information respecting the execution of the Choctaw Treaty, and agreed thereto.

Mr. McLANE, from the Committee of Ways and Means, reported a bill making appropriations for the support of the Navy of the United States, for the year 1823; which was read twice, and committed to a Committee of the Whole on the state of the Union.

Mr. PLUMER, of New Hampshire, from the Committee on the Judiciary, reported a bill for the relief of William N. Earle; which was read twice, and committed to a Committee of the Whole.

A message from the Senate informed the House that the Senate have passed bills of the following titles, viz: "An act to authorize the purchase of a number of copies of the sixth volume of the Laws of the United States;" "An act for the relief of Ebenezer Stevens, and others;" "An act for the relief of Samuel Walker, and others;" "An act for the relief of the heirs of Joseph Wilcox;" "An act for the relief of the legal representatives of James McClung, deceased;" "An act for the relief of Samuel Hodgdon;" and "An act for the relief of Samuel F. Hooker;"—in which bills they ask the concurrence of this House.

Mr. WALWORTH, from the Committee on Military Affairs, who were instructed to inquire into the expediency of allowing to officers of the Army a salary, or stated sum of money per year, instead of pay and emoluments, as now allowed by law, made a report adverse to the proposed change; which was read, and ordered to lie on the table.

Mr. COCKE then gave notice that he would, on Monday next, move for leave to introduce a bill to allow officers of the Army a salary or stated sum of money per year, instead of pay and emoluments as now allowed by law.

INDIAN RESERVATIONS.

Mr. RANKIN, from the Committee on Public Lands, delivered the following report:

The Committee on the Public Lands, to whom was referred the petitions of William Wilson, Andrew Lacy, Amos Robertson, Conelesky, John McNary, and Joseph Elliot, formerly of the Cherokee nation of Indians, but now within the State of Alabama, praying that certain reservations of land, made by treaty to them for life, and in fee simple to their heirs, be vested in the present possessors, in fee simple, report: Heretofore humanity has in vain extended her hand to rescue from annihilation whole nations, aborigines of this country. As we have increased, they have diminished; and, while they have disregarded or avoided our arts of civilization, they have seized our vices with avidity, by which they have wasted away, until the very names of nations, once powerful, are now scarcely recollected or known. While thus gradually disappearing, they have, at all times, since the discovery of this country, been abundantly supplied with missionaries, zealous in the work of humanity and religion, who have constantly presented the most flattering pictures of their success in civilizing and christianizing them. A single question, the answer to which every one is prepared to make, presents a most melancholy commentary on these reports of success. Where have been, where are these subjects, trophies of your victories over ignorance, cruelty, superstition, and barbarism? Experience has long since proclaimed, in language too strong to be disregarded, the almost total inefficiency of the measures heretofore adopted, for the civilization of Indians, and most strongly indicated the necessity of adopting a different policy. Reason unites with experience on this subject. If the wilderness converts to savages our own people, in defiance of early habits, and their having been reared and educated in the bosom of civilized society, can we expect, in such a place, to change the man, by nature, education, and habit, a savage? Mere occupancy, without the power of disposing of it, is too slender a hold on property to render its acquisition desirable. Custom, the established common law of some Indian nations, deprives the parent of the power of transmitting to his own offspring, when he is torn from them by death, any property, real or personal, he owned while living. Such things necessarily paralyze the arm of industry. The example one individual presents to another in society, and an honorable competition in the accumulation of property, is also a powerful stimulus to industry. This stimulus can never be felt in the bosom of the savage, who has no example of industry to imitate, no competition in the pursuit of wealth, no paternal feelings to gratify, in providing a competency

for his children; but whose habitation is the wilderness, and his farm the chase. The only instances among Indians of a desire to acccumulate property, and to progress in civilization, are found connected with ideas of separate property, received from our people, who have settled among them, and formed matrimonial connexions with them. The commissioners who formed the treaties by which these reservations were made, appear to have viewed the impossibility of civilizing Indians, while permitted to roam through an extensive wilderness, without any of the inducements to industry, which spring from separate property, as demonstrated by experience; and intending to stimulate them to industry, by the example of our own citizens, and the security of their property; to teach them the arts of civilization, and preserve them from that destruction which has attended other nations, made these reservations for the benefit of the Indian. To those attached to his manner of living, and to the Indian himself, the condition that he shall forfeit his land if he abandons it, is disagreeable; but the inconvenience will be much less to their children, educated with different habits, than to the original possessor. But, if permitted to alien these estates, is it not highly probable that both would return and sink into the savage state? Your Committee are not prepared to say, until it is at least tested by experience, that this new course of policy, adopted by the commissioners making these reservations, is founded in error; but, on the contrary, we believe that a correspondent policy, adopted by the States interested, would lead to an early extinguishment of the community of Indian title, and more effectually lead to their civilization, than any measures which could be adopted. Nor are we prepared, at this time, to say that it is within the scope of the powers of Congress, to enlarge the life estate of the present possessor, so as to defeat the fee simple right already vested in the heirs.

From a careful examination of this subject, the Committee have agreed to recommend to the House the adoption of the following resolution:

Resolved, That the petitioners have leave to withdraw their several petitions and accompanying documents.

The report lies on the table.

THE CASE OF JUDGE TAIT.

Mr. Johnston, of Louisiana, from the Committee on the Judiciary, to which was referred the letter and accompanying documents of Edwin Lewis, containing charges against the official conduct of Judge Tait, a district judge of the United States for the State of Alabama, made a report exonerating the said judge; which was ordered to lie on the table.

The report is as follows:

The Committee on the Judiciary, to whom was referred the letter and documents of Edwin Lewis, containing charges against the official conduct of Judge Tait, a district judge of the United States for the State of Alabama, have had the same under consideration, and report:

That, as far as it is their duty to inquire, they find no irregular or illegal proceedings, and that they do not form any ground of accusation before this House.

The two first and principal charges upon which the petitioner relies in sustaining his application, consist in:

1st. Refusing to permit Edwin Lewis to practice in his court as an attorney at law.

2d. In using insulting language and gestures, on the bench, towards said Lewis, on his offering to qualify.

It appears that the petitioner did not present himself before the court in the usual form, with the evidence of his qualification, and the testimonials of his character—but unceremoniously offered himself to the Clerk, who was in the act of administering the oath without any authorization, or even notification to the Judge. This departure from ordinary usage, and this want of respectful attention, was construed, perhaps, into an act of rudeness, and might have been repressed with language deemed offensive. But, with regard to the second charge, it does not appear by the petition what language was used, or gestures employed; nor is there any evidence of the fact; and there is, moreover, the negative to be inferred from the certificate of the Clerk, in his silence on this point. It appears that the Judge refused to allow him to qualify, stating "that he had that within his own breast, which would exclude him;" and this constitutes the injury of which he complains.

The District Judge makes all rules for the government of the court, which includes regulations for the admission of attorneys and counsellors to the bar. These rules become the law of the court, and are administered as all other laws, on the integrity and sound legal discretion of the judge. Admission to the bar is not a natural right, but a right to be acquired under the rules and usages of the courts. These require the party to claim his right, upon showing legal and moral qualifications to the satisfaction of the court; and, upon this showing, it is the duty of the judge to exercise his best judgment, conscientiously, but freely. The dignity of the tribunals, the purity of the bar, the rights of the people, and the transaction of business, requires this to be done firmly and fearlessly—responsible only to the country for the integrity of his mind, not the errors of his judgment.

In this case, it is alleged, that the Judge has evidence within his own breast, which ought to exclude him. If this *fact* is true, it is clear he should be rejected. That is, if a fact exists, which would render him unfit and unworthy, he ought not to be admitted. The culpability of the Judge must, therefore, depend upon the *falsity* of the statement—that falsity cannot from its nature be proven or inferred. There is not, in this case, any evidence of ill-will, hatred, prejudice, or passion, or any allegation of impure motive, which is not derived from this event. He has performed this duty, as all others, before the bar, who neither want independence or professional sympathy, and in the presence of the people, who would frown indignantly upon an act of injustice or oppression. To these, must be added, the presumptions arising from professional character, official dignity, and religious sanctions.

The Judge, moreover, in these personal cases, takes upon himself an undue responsibility; he encounters public opinion, he exposes himself to the wicked aspersions and bitter persecution of every disappointed, and unworthy candidate. The fear of denunciation, and the dread of public scrutiny, of which this case furnishes an example, is no small inducement to relax the rules, and shrink from the danger. It would require proof of some strong and violent cause to prevail over the mind, to violate truth, duty, and conscience. We see no reason to impeach the purity of the motive

or doubt the truth of the fact. The personal know, ledge of the Judge, is the highest evidence to him, and, having that evidence, he would have betrayed his sacred trust to have admitted him to the bar.

We are of opinion, that the law has imposed on the courts the necessity of exercising a legal and salutary discretion; and that they must be relied on, to perform it faithfully. We do not admit that the Judge may exclude by his arbitrary will, and his mere volition; he must exclude under the rules and the evidence before him. When in the discharge of his duty, he alleges a fact to exist, sufficient to disqualify, he does this under the oath of office, and must be believed. It would imply an absurdity, to give him power to admit, upon satisfactory evidence, and not the right to exclude, upon his own personal knowledge. We are not satisfied with the propriety of locking up this secret and personal knowledge in the breast of the Judge. If required, it was due to the party to state the fact, and the evidence on which it rested. But in this case, it does not appear that he was requested to disclose the grounds of his objection; and his not having done so, may have arisen from motives of delicacy to the party.

This is a novel case, and such as may not again occur. The law invests the courts with the power of admission, rejection, and dismission of attorneys; and, even when the qualifications are prescribed by *law*, they are invested with the power to decide on those qualifications: the right to admit implies the right to reject; and the power of dismission is a much larger exercise of authority, more dangerous to the liberty of the citizen, but indispensable to preserve the purity of the bar. The exercise of this jurisdiction in all the States, for a great number of years, has fully tested the principle; instances of injustice or oppression have been rare; and it is believed the responsibility under which it is exercised, has had a contrary tendency—to relax the rule, and to lower the standard of morals and merit in the bar. In this case we cannot deny the Judge the power of admission—we cannot impeach his integrity—we cannot say he has done wrong. The Judiciary is a co-ordinate branch of the Government, acting under the same obligations, and amenable to us only for corruption, misfeasance, and malpractice—we do not find either in this case. It is true that such a pretence might be seized on, by an artful and wicked judge, for the purpose of oppression. But it is not to be believed without evidence. It may become an inquiry, how far an important right and a lucrative profession should be left to the will or the discretion of any individual, or how far it is proper to expose the judges to a duty so personal and delicate, and to a liability so serious.

The petitioner has gone into extensive details of judicial conduct; and his other charges relate to orders, decrees, and judgments, rendered in court.

Your committee have not inquired into the regularity or legality of the proceedings. We are not the tribunal of appeal—we had no means of making the inquiry if we had been competent. There is nothing to show that there is even error in them, and, upon the face of the charges and the records, there is no apparent irregularity or suspicion of corruption. The various questions, with regard to jurisdiction, ownership, capture, condemnation, and possession, will, in due time, be brought before the Supreme Court, the only competent authority to decide those questions.

The principal charge relates to the capture of eighty-four slaves, in which two different captors and the owners of the property are contending. The court has rendered judgment; an appeal has been taken, and will, in due time, be tried. The parties know their rights and will pursue their remedies in the usual way. It is stated that the State of Alabama interposed her right to the possession of the slaves, under the laws of that State, pending the trial of the cause, and that the Judge refused to deliver them up. Your committee have no knowledge of the law, under which the possession was claimed, nor of the rights of the State, nor the ground of refusal. There is a legal remedy, we presume, for cases of this kind. But, if an application to this House could be proper, it would come with great propriety from the Governor or Representatives of that State.

Your committee therefore recommend the adoption of the following resolution:

Resolved, That Edwin Lewis have leave to withdraw his letter and documents.

The report was laid on the table.

THE BEAUMARCHAIS CLAIM.

Mr. ANDREW STEVENSON, from the committee to whom was referred the claim of the heir and representative of the late Caron de Beaumarchais, made a report, accompanied by a bill relative to the heirs of Pierre Augustin Caron de Beaumarchais. Mr. S. made the usual motion to refer the bill to a Committee of the Whole, and make it the order of the day for to-morrow.

Mr. CAMBRELENG said, that the claim referred to in this bill was one of much importance, and every favorable report of a committee, though it should not be acted upon by Congress, would have a tendency to strengthen the claim. It was due to the people and to the Government, therefore—and he now stated that he believed the claim to be an unfounded one—that it should be acted upon at the present session, that it might not pass over as an addition to the alleged proofs in favor of the claim. He suggested to the gentleman from Virginia, with this view, the propriety of moving to refer the bill to a Committee of the whole House on the state of the Union, in order that it might be subject to be called up and acted upon, that the report may not be used at the next session to make valid this claim, which Mr. C. said he firmly believed to be an unrighteous one.

Mr. STEVENSON said that, acting under the instructions of the committee, he did not feel himself authorized to change the course which he had proposed in regard to the bill. It was, however, the earnest wish of the applicants in this case, and it was his own wish, that the subject should be investigated at the present session. In relation to what had fallen from the gentleman from New York, (Mr. CAMBRELENG,) who was one of the select committee on the subject, an opportunity would be afforded to him, at the proper time, of expressing his views of the subject. That gentleman, it was true, had opposed the bill, but a majority of the committee were in favor of it: and, when the subject was fairly before the House, he (Mr. S.) should have pleasure in meeting the gentleman in argument on the question, and sustaining the report in favor of the claim.

Mr. Cambreleng said, he had no wish to give an unusual direction to the bill; and as he supposed that, from the interest of the subject, the committee would be able to get it considered by the House at any time, Mr. C. withdrew his opposition to the course proposed to be given to it.

Mr. Wright objected to the bill being made the order of the day for to-morrow. It is due, said he, to the importance of the subject, to the magnitude of the claim, to our predecessors who have steadily resisted this claim, and to the character of the Government, that it should be maturely considered. He wished therefore that it should be made the order of the day for a more distant day than to-morrow.

The Speaker suggested that the making it the order of the day for to-morrow was a mere nominal assignment of its place in the order of business—there being at least an hundred and fifty cases on the docket which would have preference over it.

Mr. A. Smyth, of Virginia, moved to refer the bill to a Committee of the Whole on the state of the Union. It was proper, he said, that questions of national concern should take that course. This subject was of that nature, and more especially so, since the Government of France had urged it on the attention of the United States.

The question was taken on Mr. Smyth's motion, and decided in the affirmative, by a majority of two or three votes.

The report is as follows:

The committee, to whom was referred the Message of the President of the United States in relation to the heirs of Pierre Augustin Caron de Beaumarchais, report:

That this claim has been so frequently under the consideration of Congress, and so long the subject of general interest and inquiry, that the committee deem it unnecessary to enter into a minute detail of all the facts and circumstances connected with it; more especially, as there have been several reports heretofore made by committees of this House, to whom the subject was referred, to which your committee now beg leave to refer, and respectfully request that the same may be considered as forming a part of the present report. These detailed reports, with the documents which accompany them, it is believed, present such a view of the case as will enable the House to judge fairly of its merits; the committee will, therefore, content themselves with presenting the general result of their investigation, rather than the reasoning and arguments by which that result has been obtained.

The present application, on the part of Mrs. Eugenia Beaumarchais Delarue, (the daughter of the late Caron de Beaumarchais,) is for the sum of one million of livres, (equal to $185,185 18,) besides interest, which is alleged has been improperly deducted from the account of her father against the United States, in the final settlement at the Treasury, in the year 1805. This settlement is admitted to be conclusive between the representative of Beaumarchais and this Government, except as to this million of livres, claimed by the United States as a credit against the admitted balance of Beaumarchais' account. The right to discount this million is maintained, on the part of the United States, upon the ground that it was one of the three millions of livres admitted (on the contract entered into on the 25th of February, 1783, between the Count Vergennes and Doctor Franklin) to have been gratuitously given, before the treaty of 1778, by the King of France to the American Government, as aid and subsidy; that it was received by Beaumarchais on the 10th day of June, 1776, for the use and benefit of the United States, and that he is bound to account for its application to the American Government, or stand chargeable with its amount.

The committee are of opinion that two questions only arise in this case which are necessary at this time to be considered and decided; the first is, whether the one million of livres admitted to have been received by Beaumarchais in June 1776, was one of the three millions given by France to America, and mentioned in the contract of 1783; and, secondly, if so, whether it was received by Beaumarchais, as the agent of the United States, and used by him in procuring the arms and supplies furnished to the United States, and charged in his account against them.

As the amount of Beaumarchais' account is admitted to be just, by the settlement at the Treasury, in 1805, this Government must sustain, by proof, both the foregoing propositions before it can rightfully discount this million; and if they fail in making good the discount, it follows that the million is still due to the heirs of Beaumarchias, and ought to be paid.

The first point is very clearly made out, in the opinion of the committee. They are satisfied that the million of livres paid to Beaumarchais on the 10th of June, 1776, was one of the three millions mentioned in the preamble to the contract of 1783, and that it was received by Beaumarchais from the King of France, to be used in some secret service connected with the interests of the United States, and to aid them in their contest with Great Britain.

The testimony and circumstances in the case establish conclusively these facts; but, upon the second point, it is equally clear to your committee that the evidence does not warrant the opinion that it was used by Beaumarchais, under any obligation of accounting for it to us, or for the purpose of procuring the arms and supplies furnished by him to the United States, and charged in his account; on the contrary, they are satisfied that this million was paid by the French Monarch to Beaumarchais, as his confidential agent, for some secret political purpose, connected no doubt with the American cause, and intended to be applied secretly, and in such manner as he should direct; that this was accordingly done, and in a short period of time after its receipt.

That this million was not received by Beaumarchais, as the agent of the United States, but as the secret confidential agent of the French Government, your committee cannot doubt; that he was responsible only to his own Government, and not accountable to ours, they have as little doubt; nor can they see with what propriety or justice this act of confidence, on the part of Louis XVI, can or ought to be seized on by this Government, and made an act of ruin towards this generous and distinguished foreigner, or his orphan daughter.

The committee are therefore of opinion that the American Government is not entitled to offset this million; that the evidence, both upon legal and equitable principles, not only falls short in sustaining this right, but it is wholly insufficient to raise even a well founded presumption that it was used by Beaumar-

chais in any way to authorize this Government to debit him with the amount, or hold him responsible for its application.

This opinion of your committee has not been hastily formed; the interesting and important character of the claim, originating in transactions immediately connected with our Revolutionary struggle and independence, and attended with such peculiar circumstances, induced your committee to give it a patient and thorough investigation; and they feel all that confidence in the result of their labors which the most diligent examination and impartial consideration can give.

They therefore recommend that provision be made by law for the payment of one million of livres, with interest, to the daughter of Beaumarchais, and for that purpose they ask leave to report a bill.

JOHN POLEREZSKY.

On motion of Mr. HERRICK, the House resumed the consideration of the report made at the last session, unfavorable to the petition of John Polerezsky. The report, and the petitioner's papers, having again been read—

Mr. HERRICK moved to strike out from the resolution annexed to the report of the Committee on Pensions and Revolutionary Claims, the word "not," so as to reverse the report.

This motion gave rise to a debate, in which Messrs. HERRICK, MALLARY, RHEA, WRIGHT, ALLEN, of Massachusetts, LITTLE, HILL, and REED, of Maryland, engaged, in which a good deal of earnestness and feeling were displayed, in behalf of this individual, the peculiarity of whose case is, that he was a soldier, not in the American army, but in the French auxiliary army.

Finally, the report was reversed, and the committee was instructed to bring in a bill for the relief of the petitioner.

REVOLUTIONARY PENSIONS.

Mr. COCKE moved that the House resolve itself into a Committee of the Whole on the bill concerning Revolutionary pensions.

Mr. TRIMBLE wished to know what was the pressing necessity for taking up this particular bill in preference to other bills on the table.

Mr. COCKE explained that this bill contemplates providing for those persons whose applications to the War Department for Revolutionary pensions were rejected in consequence of the largeness of their property and who have since become poor indeed. The bill proposes to authorize an examination into their claims agreeably to the rules laid down by law, and to do away the effect of an opinion of the Attorney General (which Mr. C. contended was contrary to the actual laws) which determines that, when a claim for a pension is once rejected, no circumstance will justify a re-examination of it. He added, that a bill on the subject, precisely similar to this, passed this House at the last session, by a large majority. The 4th of March is the day of semi-annual payment of pensions, and, if the bill be not soon acted on, its effect will be postponed for six months longer.

Mr. TRIMBLE waived his objection to taking up this bill; observing, however, that, after giving way to so many other subjects, the House would not be surprised if the friends to the bill for the repair of the Cumberland road should to-morrow press its consideration on the House.

The House then resolved itself into a Committee of the Whole, on Mr. COCKE'S bill,

Mr. TAYLOR moved to amend the third section of the bill, by inserting at the end thereof the following words: "That all other pensions hereafter to be allowed shall commence from the time of completing the testimony."

On this proposition, the motives and object of which were explained at large by Mr TAYLOR, a debate arose, in which Messrs. TAYLOR, COCKE, HOBART, REED, of Massachusetts, and MALLARY, engaged.

On the question to agree to the amendment, it was determined in the negative.

The Committee then rose and reported the bill to the House.

Mr. CANNON then proposed to amend the bill, by adding thereto the following section by way of amendment:

"*And be it further enacted*, That the officers, non-commissioned officers, and privates, soldiers of the Revolutionary war, who shall have performed service to the amount of nine months, in one or more tours of duty in militia service, shall also be placed on the pension roll of the United States, under the same rules and regulations and restrictions, and shall be entitled to the same bounty from the Government, that is or may be extended to those who served in the regular or continental army."

Mr. CANNON, in support of his amendment, made some observations; this, Mr. C. observing, not being the first time a similar proposition to amend this bill, had been made by him. He, however, felt himself bound, by considerations which he deemed important to the interest of the country, not to make any discrimination in the citizens of this nation; all, who embarked their fortunes in their country's defence, militia as well as regulars, having borne an equal share of danger, fatigue, &c., incident to war. He called upon gentlemen to show some good reason why the militia of the country should not be entitled to the confidence and liberality of their country, and why a discrimination was to be made in favor of the regulars? Mr. C. urged further arguments to prove the propriety of this amendment.

Mr. COCKE conceived this proposition to be a new principle, to which he was not disposed to accede. He thought the gentleman offering the amendment had better propose it in the shape of a distinct bill for the militia, &c.

Mr. RHEA moved to amend the amendment, by striking therefrom the words "nine months, in one or more tours of duty in militia service," and insert in lieu thereof "nine months, in the service of the United States, in the Revolutionary war."

Mr. CANNON opposed this amendment.

Mr. WRIGHT also spoke upon the question.

Mr. RHEA then modified his amendment, by substituting three instead of nine months, and again explained his motives for so doing. He spoke at some length on the signal services render-

ed by the militia in the war of the Revolution, citing instances, and contended for the adoption of his amendment.

Mr. Hardin and Mr. Keyes respectively spoke on the subject, both opposed to the amendments.

After Mr. Cannon had again spoke in support of his amendment, and repeated his desire to incorporate the militia in the bill, that the benefits of the Government might also reach them—

Mr. Reed, of Maryland, said he wished to give a history of the services of the militia of those times to which the amendment and bill referred; but, it being now late, he could not think of troubling the House to hear it.

To give Mr. Reed an opportunity to deliver his sentiments, Mr. Cocke moved that the House now adjourn.

This motion was negatived.

The question was then taken on agreeing to the amendment, and was determined in the negative.

The question occurred on the adoption of the original amendment; which was also lost.

Mr. Taylor then rose to renew the amendment which he had offered in Committee of the Whole, feeling it to be his duty so to do, and considering that the interests of the country demanded it, &c. He entered more fully into the nature and operation of the renewed amendment, and explained the motives which actuated him to press it upon the consideration of the House again.

Mr. Hardin, after some remarks, renewed the motion for adjournment; which was agreed to.

The House adjourned at half-past 4.

Wednesday, January 29.

Another member, to wit, from South Carolina, Joel R. Poinsett, appeared and took his seat.

Mr. Rankin, from the Committee on the Public Lands, reported a bill granting to the Corporation of the city of Mobile, in the State of Alabama, certain lots of ground in the said city; which was read twice, and committed to the Committee of the Whole.

Mr. Plumer, of New Hampshire, from the Committee on the Judiciary, reported a bill supplementary to the act, entitled "An act to amend the judicial system of the United States;" which was read twice, and committed to a Committee of the Whole.

Mr. Kent, from the Committee for the District of Columbia, made a report on the petition of Catharine Hayre, for a divorce; which was read, and the resolution therein submitted was concurred in by the House, that the prayer of the petitioner ought not to be granted.

Mr. F. Johnson, from the Committee on the Post Office and Post Roads, made a report on the petition of John Burgin, accompanied by a bill to authorize his discharge from imprisonment; which bill was read twice, and committed to a Committee of the Whole.

The House took up, and proceeded to consider, the report of the Committee of Claims on the petition of Charles M. Collyer; whereupon, it was ordered that the report and petition be recommitted to the Committee of Claims, with additional testimony this day adduced.

The Committee of Ways and Means were discharged from the further consideration of the petition of the assignees of Michael Baer; and it was referred to the Secretary of the Treasury.

On motion of Mr. Little, the Committee on Revolutionary Pensions were instructed to inquire into the expediency of placing Peter Le Cleer, a soldier of the French army, who served during the Revolutionary war, on the roll of pensioners.

Mr. Ruggles submitted the following resolution, which was read, and laid on the table one day, under the rule:

Resolved, That the President of the United States be requested to lay before this House such information, not heretofore communicated to Congress, as he may possess, in relation to the progress made by the commissioners under the sixth and seventh articles of the Treaty of Ghent, in ascertaining and establishing the boundary line between the United States and the British provinces described in the said articles; and whether any map of said boundary has been made and returned by the commissioners; whether they have had any meetings within the last year; and how much, and what part of said line, has been settled and established, or surveyed since the first day of January, 1822; and within what time the duties of the said commissions may probably be completed:

And that the President be further requested to inform this House, whether any, and what, measures have been taken under the fourth article of the treaty with Spain, of the 22d February, 1819, for fixing the boundary line described in the third article of the last mentioned treaty; and whether any part of the said line has been fixed and designated.

On motion of Mr. Sterling, of New York, the report of the Secretary of War on the subject of the military road leading from Plattsburg to Sackett's Harbor, was referred to the Committee of Ways and Means, with instructions to inquire into the expediency of making an appropriation for the completion of said road.

On motion of Mr. Lathrop, the Committee on Revisal and Unfinished Business were directed to consider the expediency of continuing in force for a further time, an act, passed 4th February, 1822, entitled "An act reviving and extending the time allowed for the redemption of land sold for direct taxes in certain cases."

The Committee on Commerce were discharged from the further consideration of the petition of the syndics of the creditors of George T. Phillips, and the petition was referred to the First Comptroller of the Treasury.

The Speaker communicated to the House a letter from the Secretary of the Treasury transmitting a statement of payments made at the Treasury for the discharge of miscellaneous claims, not otherwise provided for during the year 1822; a statement of contracts and purchases made by collectors for the revenue service during the year 1821; a statement of contracts made relative to the oil, lighthouses, beacons, buoys, stakeages, &c.; a statement of expenditures, on account of

sick and disabled seamen, for the year 1821; which were ordered to lie on the table.

The following bills received from the Senate were severally read twice, and committed: A bill for the relief of Samuel F. Hooker; a bill for the relief of Samuel Hodgdon; a bill for the relief of the legal representatives of James McClung, deceased; a bill for the relief of the heirs of Joseph Wilcox; a bill for the relief of Samuel Walker, and others; a bill for the relief of the heirs of Ebenezer Stephens; and a bill to authorize the purchase of a number of copies of the 6th volume of the Laws of the United States.

Mr. CHAMBERS, of Ohio, submitted for consideration the following resolution:

Resolved, That, for the remainder of the present session, the regular hour for the meeting of this House shall be eleven o'clock, A. M.

The question on agreeing to this resolve was determined in the affirmative, 63 to 62.

So the House hereafter meets at 11 o'clock.

INTERNAL IMPROVEMENT.

Mr. A. SMYTH, of Virginia, then moved to resume the consideration of the bill to authorize the President of the United States to cause to be procured surveys and estimates for certain roads and canals.

Mr. COCKE wished to make a remark upon this motion, if in order.

The SPEAKER informed him that questions of priority of business are not debateable.

Mr. COCKE then asked if it would be in order to require the yeas and nays on the question? Being answered in the affirmative, he required the yeas and nays to be taken, and they were ordered accordingly.

The following was the result of the vote by yeas and nays: For taking up the bill, 42; against it, 111, as follows:

YEAS—Messrs. Allen of Tennessee, Barstow, Bayly, Blackledge, Breckenridge, Campbell of Ohio, Chambers, Colden, Conkling, Cuthbert, Durfee, Eddy, Edwards of Pennsylvania, Gebhard, Hamilton, Hemphill, Hubbard, Jackson, Little, McKim, Matlack, Mercer, Moore of Alabama, Neale, Nelson of Maryland, Newton, Patterson of Pennsylvania, Rankin, Rochester, Rogers, Saunders, Scott, Arthur Smith, Alexander Smyth, W. Smith, J. Stephenson, Stewart, Swan, Tattnall, Trimble, Udree, and Whipple—42.

NAYS—Messrs. Abbot, Alexander, Allen of Massachusetts, Archer, Ball, Barber of Connecticut, Barber of Ohio, Bassett, Bateman, Baylies, Borland, Brown, Buchanan, Burrows, Butler, Cambreleng, Campbell of New York, Cannon, Cassedy, Cocke, Conner, Cook, Crafts, Cushman, Dane, Darlington, Dwight, Edwards of Connecticut, Edwards of North Carolina, Findlay, Floyd, Forrest, Fuller, Garnett, Gilmer, Gist, Gorham, Gross, Hardin, Harris, Harvey, Hawks, Herrick, Hill, Hobart, Hooks, Ingham, F. Johnson, J. T. Johnson, J. S. Johnston, Jones of Virginia, Keyes, Lathrop, Leftwich, Lincoln, Litchfield, McCarty, McCoy, McLane, McNeill, McSherry, Mallary, Matson, Mattocks, Metcalfe, Mitchell of Pennsylvania, Montgomery, Morgan, Murray, Patterson of New York, Phillips, Pierson, Pitcher, Plumer of New Hampshire, Plumer of Pennsylvania, Reed of Massachusetts, Reed of Maryland, Reid of Georgia, Rhea, Rich, Ross, Ruggles, Russ, Russell, Sergeant, Sloane, J. S. Smith, Spencer, Sterling of Connecticut, A. Stevenson, Stoddard, Taylor, Thompson, Tod, Tomlinson, Tracy, Tucker of South Carolina, Upham, Vance, Van Rensselaer, Walker, Walworth, White, Williams of Virginia, Williams of North Carolina, Williamson, Wilson, Wood, Woodcock, Woodson and Wright—111.

So the House refused to take up the bill.

REVOLUTIONARY PENSIONS.

The unfinished business of yesterday (the bill to amend the Revolutionary Pension Act) being announced—

Mr. TOD moved that the House do in preference resolve itself into a Committee of the Whole on the bill for the more effectual protection of manufactures, (new tariff bill.)

The question being taken on this motion, it was negatived—84 votes to 61.

The House then again resumed the consideration of the bill to amend the Revolutionary Pension act.

The discussion of Mr. TAYLOR'S amendment, which was under consideration when the House yesterday adjourned, was resumed.

The third section of the bill is as follows:

"That pensions, granted upon other and different schedules than those heretofore exhibited by the same applicants, shall commence from the time such schedules shall be filed in court: *Provided*, That no pension, under this act, shall commence before the passage thereof."

Mr. TAYLOR proposed to amend it by adding thereto the following:

"That all other pensions hereafter to be allowed, shall commence from the time of completing the testimony."

Those who to-day engaged in the discussion of the bill, were Messrs. TAYLOR, REED, of Massachusetts, WALKER, TRACY, COLDEN, TOMLINSON, and WHIPPLE.

On the question to agree to the amendment, it was determined in the affirmative; and, thus amended, the bill was ordered to be engrossed, and read a third time.

THE NEW TARIFF BILL.

Mr. TOD then again moved that the House do go into a Committee of the whole House on the state of the Union, with a view to take up the bill for the more effectual protection of manufactures. The motion to go into Committee of the Whole was agreed to, and Mr. TOMLINSON was called to the Chair.

Mr. STEWART moved then to take up the Cumberland Road bill, which had been referred to the same committee; but, upon suggestion of some persons feeling an interest in that bill, Mr. S. withdrew his motion.

On the question to take up the Manufactures bill, the vote was 82 to 54.

So the bill was taken up; and the first section having been read—

Mr. CAMBRELENG rose and said, that, whatever feelings might prevail in the House in regard to

this bill, he presumed the House would not presume to act upon the bill without some minute information as to the effect of its provisions upon the present rates of duty, &c. The Committee of Manufactures had, indeed, presented a statement upon the subject, which had been printed, but Mr. C. proceeded to state the reasons why it was, in his opinion, not to be relied upon; one of which was, that it stated the amount of duty on woollens, proposed by this bill, to be thirty per cent., when in fact, by fixing a minimum price at which they shall be valued, (eighty cents per yard,) the lowest descriptions of plains universally worn by the poor, would be taxed 93¼ per cent., amounting to a prohibitory duty. If it was the will of a majority of this House that the nation should be charged with the support of this branch of industry, he must be content to be in the minority; but, before either majority or minority could act upon the subject, it was necessary they should understand it. He invited the chairman of the committee, therefore, to withdraw the statement he had presented, for the purpose of correcting it. If not, Mr. C. said, he should present to the House a statement which he had made, better entitled to its confidence. He did not impute to the chairman of the committee any intention to deceive the House; the gentleman himself had probably been deceived by those who gave him the information, who well knew that this provision would be an absolute prohibition of the importation of a large class of woollen goods.

Mr. Tod, of Pennsylvania, observed, that he was not disposed to take the advice of the gentleman from New York, (Mr. Cambreleng,) and withdraw the bill for the reasons given; that the proceeding was a novel one, and this call for information by the gentleman, not because he wanted it himself, but because he thought he could give it to others—that there could be no getting on with business, if such reason was sufficient to stop its progress. It may every day happen that a gentleman, not a member of the committee, introducing a bill, may know more of a subject than the committee themselves; and as possible it may be for a gentleman to suppose himself capable of setting right the ignorance of others, in a matter known as well to them as to himself. Mr. T. said, that the duties proposed on the coarse goods pointed out by the gentleman from New York, (Mr. Cambreleng,) were supposed by the committee to amount to a prohibition, and so intended. Mr. T. said, that, on the part of the Committee of Manufactures, he would attempt a brief exposition of the reasons which weighed with them in proposing an increase of duties on some foreign articles.

It was not solely nor chiefly for the benefit of the manufacturer, that they wished to give an efficient preference to domestic industry, at least as far as respects articles of common indispensable use, the materials of which are the product of our own soil. He would not say that all parts of the country were equally interested, but he believed that, while the provisions of the bill were of vital importance to some great sections of the country, they could never be injurious to the interest of any part.

We possess, said Mr. T., the materials, inexhaustible, of iron, lead, glass, and the almost unlimited means of producing wool, hemp, flax, and cotton, and surplus provisions to feed workmen enough to supply manufactures for a whole continent. Yet, disregarding all these advantages, we have paid, or must pay, to foreign nations, for the last two years, taking both together, one being probably a year of importation about as far above, as the other has been below, the common average—

For woollen manufactures - -	$19,044,014
Cotton do. - - -	14,716,613
Linen - - - -	6,084,954
Hemp, and manufactures of it -	3,892,262
Iron, and manufactures of iron -	8,259,698
Lead, and manufactures of lead -	1,102,341
Glass and earthen ware - -	2,354,069
	$55,453,951
Average for one year - -	$27,726,975

Exceeding, by above eight millions of dollars, the yearly expenses of Government, and the interest of the national debt—and which sum is exclusive of all re-exportations. This enormous tribute, said Mr. T., we pay for articles that we might have at home without any cost to the nation—articles, to the composition of which, a portion of the cottons excepted, not one shred nor particle goes from our country, fabricated by workmen who are not permitted to eat, drink, or wear, any produce of our soil. And we, robbed of our money by foreign industry, contending with all the mischiefs of a diminishing and beggarly supply of the circulating medium of commerce, some of our people even petitioning against the grievance of paying postage on letters, and struggling with all the evils of debt and dependence, in order to give wealth and power to foreign Governments, profit and employment to foreign manufacturers, and to supply a market to foreign farmers for their provisions, while one-half of our own are absolutely worthless, and perishing on our hands for want of consumers. The immensity of amount of the necessaries of life requisite to sustain the workmen, with their families, employed to fabricate the foreign goods which we consume, it would be superfluous to attempt to calculate. But the inevitable distress and ruin consequent upon a system like ours, and falling upon those sections of the country whose only surplus production worth mentioning is grain, and whose only means of paying for foreign manufactures is with grain and its immediate products, may be made evident; as may, also, the necessity of applying some considerable part of the surplus productions of our soil to the only profitable use they can be applied to; that is, the support of the home manufacturer. It may be assumed that the case mentioned is the case of one-half of the Union, whose only surplus production of the soil worth naming is grain. Whether this estimate of one-half exceeds or falls short of the fact, cannot be material to the validity of the inference. Then, from the

great extent and fertility of lands brought under cultivation since the year 1790, taking into view the great improvements in mills, roads, canals, and in the science and practice of agriculture; taking also into view the acquisition since of the extensive and fertile territory west of the Mississippi, we may safely calculate that the capacity of our country for producing grain, if not the actual product itself, is more than quadrupled during the last thirty-two years. Probably to state the increase at six-fold would be nearer the fact. Yet, in the year 1790, before the general war in Europe, we exported in wheat, rye, and corn, and flour, and corn meal, reducing what went in bushels to barrels, at the usual rate of five to one, 1,280,323 barrels. This account, as to part of the items, includes, to be sure, the exports for about a month beyond the year; but that is unessential; the exportations of 1790 were not beyond the common average of the times, nor nearly equal. Taking the average of five years, from 1790 to 1794, both inclusive, we exported the yearly quantity of 1,421,325 barrels. Yet, in the present time, with all our immense increase of means and extension of territory, we have exported, in grain and flour, in the year 1822, 1,098,768 barrels only; and, in the year 1821, 1,360,453 barrels of beef and pork; the exports for 1790 were 89,006 barrels, and the average for five years from 1790 to 1794, was 132,894 barrels a year. The same articles, in 1822, 166,962 barrels; and, in 1821, 133,534 barrels. If, said Mr. T., foreign nations would consent to take our flour and provisions in pay, or part pay, for their wares, the consequences of our present system might not be so intolerable; yet, when they persist in rejecting every thing of the kind from us, that equal protection which is due from the Government to every class of citizens, prescribes the necessity of providing them with the means of procuring the manufactured necessaries of life in exchange for the only articles they have to sell.

As to the particular duties, he said, imposed on foreign manufactures by this bill, the first paragraph adds five per cent. to the existing duties on woollen goods, with a minimum price of eighty cents per square yard; yet excepting from the operation of the minimum, those most common necessary articles of blankets, flannels, worsted and stuff goods. Whatever other objection may be made to this item, there will probably be none on the score of inequality; for wool is, or may easily be the production of every part of the country. The manufactures of it are used in every part. No one will say that our country is incompetent to supply itself with every description of this necessary article, even if the duty were prohibitory instead of a trifling addition.

The duties on cottons are left by the bill, as they stand by the existing laws, except a minimum price of thirty-five cents per square yard on checked and striped cloths. The chief motive for this, is to stop a pernicious fraud now perpetrated upon us by foreign manufacturers, counterfeiting our cottons, and palming upon us, under the guise of American, a most vile fabric, thereby discrediting our factories, and cheating our people. The duty of twenty-five per cent. imposed by the bill on manufactures of silk, flax, and hemp, is the very same that is recommended by the Secretary of the Treasury, for the purpose of revenue, with the addition, as to hempen and linen cloths, of 25 cents per square yard, similar to that on cottons. Leghorn and silk hats are placed at forty per cent., being an addition of one-third to the present rate of duty, with a minimum price of one dollar each, for obvious reasons. They are chiefly articles of mere fashion. We imported during the last year hats, caps, and bonnets, to the amount of more than seven hundred thousand dollars. Above six hundred thousand dollars worth of those commodities came from Leghorn and Malta. All the wheat which they will ever receive from us in ten years, cannot pay for one year's supply of the straw we get from them. On lead, and the manufactures of lead, an addition is proposed of one cent per pound to the present duty, because we have it in our country in the greatest profusion. In the vicinity of the Mississippi and Missouri rivers, particularly the former, there are miles in extent, where, take up the earth without selection, one hundred pounds of it will produce more than eighty pounds of the metal, with fuel at hand in abundance. Besides, the people of that part of the country are indebted to the Government for lands, or desirous of purchasing, and have no other means of payment; so that the immediate profits of giving efficient protection to this manufacture will centre in the public treasury. On hemp, the bill raises the duty from thirty dollars to forty-five dollars per ton. It is an article which, the committee believe, must be protected, and the cultivation of it encouraged, at any expense, for the sake of the public. It is an article the skilful culture of which requires practice. Materially to increase even the quantity raised at home cannot be the work of one nor two years. We have already built, or are building, twenty-four large ships of war. Our whole domestic supply of hemp is not sufficient to equip one of these ships, and never can be under the present system of importation. What, Mr. T. asked, would be the consequences, and what disgrace to our legislation, in case of a war with a nation that furnishes this necessary article, or with any other nation which might have influence enough to stop this importation? We might, when war comes, as prudently rely altogether upon our enemies for a supply of cannon for our Navy.

On bar iron, the addition proposed is only five dollars per ton, and that only on hammered iron, without touching the rolled. It would, Mr. T. thought, be hard to give a satisfactory reason why so low a duty was inserted, when it is notorious that the country is more than able to supply all that is wanted, of as good quality, and generally better than the imported.

It has been objected already, and will no doubt be repeated, that, by adding to the duties on foreign articles, we but add so much to the price to the consumer, enabling the home manufacturer

to pocket the difference. As to all manufactures, said Mr. T., of which we possess the raw material in abundance, the rise in price, which, he admitted, may happen at first on some things will be certainly followed by a permanent reduction, if we may be permitted to judge from the experience of foreign countries, or from what little experience our laws have hitherto permitted us to acquire in our own country on the subject. Many articles, even now, it is believed, are furnished by our own workmen better, to a degree beyond the extent of the duty, and cheaper than imported rival goods. On this head, one article, that of coarse cottons, has been often mentioned, and cannot be too often mentioned, because it is the only manufacture which has ever received from our laws the same protection which other nations give to their domestic industry—a prohibitory duty. Besides, it is the very article and the very duty selected by the enemies of protection to manufactures from all quarters, as a specimen of pernicious legislation, as oppressing the poor and plundering the farmer, for the purpose of giving to the manufacturer a premium for laziness, or a privilege of extortion. There can be no mistake in this matter. I will, said Mr. T., read the very words of the Salem Protest, made to our predecessors on the subject:

"The duty upon East India cotton is indeed enormous, and practically amounts to a total prohibition. The coarser fabrics of cotton, in the British East Indies, cost about six cents a square yard, and were formerly imported in large quantities into the United States, and supplied the poorer classes of citizens with necessary though humble clothing. The tariff directs all such cottons to be estimated at the cost of twenty-five cents per square yard, and levies upon them, therefore, a duty of one hundred per cent., or a sum equal to their original cost. During the years 1802, 1803, and 1804, the average imports from the British East Indies was about three millions and a half of dollars, of which a little short of three millions were goods paying an ad valorem duty, being principally white cotton goods. In 1807, the goods paying ad valorem duties from the same place, had increased to upwards of four millions of dollars. In the same year, fifteen ships were employed in the trade, from the town of Salem alone. In the past year, two only have been so employed; and, for the four last years past, no cotton piece goods have been imported into this town for home consumption, the duty alone amounting to a prohibition. The sacrifice of this branch of the trade alone has very seriously affected the whole mercantile community engaged in East India commerce, and has been no where more sensibly and injuriously felt than in Salem. It has operated, too, as an excessive tax upon the poorer classes of the community, who have been compelled to buy domestic fabrics to supply their wants, at higher prices, which their narrow means could ill afford. It has, also, annually, struck off from the revenue of the Government the whole duty upon seven-eighths of the importations of East India cotton, that proportion having been absorbed by the domestic consumption."

Thus far the Salem memorial. The memorial from the United Agricultural Societies of Virginia, presented, about the same time, on the same subject, contains the same protest, in still stronger terms, against this doubling of the price of coarse cottons, for a bounty to the manufacturer, to the injury of the poorer class of the community, by whom goods of this quality are exclusively required.

Now, said Mr. T., if the consequences thus threatened have actually followed; if the poor have been plundered, and the farmer laid under tribute to the manufacturer by this prohibitory duty on imported coarse cottons, then we may believe, with the gentleman from New York, (Mr. Cambreleng,) that the protection of our coarse woollens, by duties upon the imported, will only augment the price to the poor consumer. But if the very reverse has been the effect of giving to our own manufacturers a monopoly of the article, and the price has been diminished even in a greater degree than the duty has been raised, let us expect the same, or nearly the same good effect from similar duties on other imported wares, which we can make as good, or better at home. What, then, is the price of coarse cottons, since the monopoly given to our factories by the prohibitory duty of 1816? We have the proof on our own files, and the fact is notorious to the whole country, that we now have, and have had constantly, since the exclusion of foreigners from our market, that necessary article, at a price which, taking into view its superiority in quality, is now reduced to one-half, Mr. T. would say, to less than one-third of what we formerly paid for the same goods, when they were imported from foreign nations; and this Mr. T. believed would turn out to be the fact, even after making every allowance for the reduction in price of the raw material. Then, said Mr. T., it appears that the oppression upon the poor man, by excluding foreign low-priced cottons, has come in substance to this, that he can now purchase for five dollars, clothing, which before cost him ten; and, if he lives near a factory, may have constant employment, and wages for himself and his family. And the farmer who was to be plundered by the manufacturer, has not only the same advantage of purchasing cheaply, but the still greater advantage, if he lives near enough, of a constant market for the surplus products of his farm.

Mr. Cambreleng, in reply, briefly noticed one or two points of Mr. Tod's speech, and gave to the House some facts drawn from a statement which he held in his hand, and which he presented to the Committee to be printed, if it should be thought proper, as a set-off to that which had been prepared by the Committee on Manufactures. He declined following the gentleman into an examination of the general principles of the bill, reserving himself on that point until the bill should present itself in a general aspect before the House.

Mr. Cuthbert rose to express a sentiment elicited by what had already been disclosed in debate. If, he said, the statement which had been made by the Committee of Manufactures of the effect of the bill, had given the advance merely which is proposed upon the present duty upon woollens, without adverting to the effect of the

establishment of a minimum value to be allowed to imported woollens, which feature would in effect more than treble the present duty, the statement was obviously illusory, and ought to be corrected, &c.

The Committee then rose, the usual hour of adjournment having arrived.

The statement presented by Mr. CAMBRELENG was ordered to be printed; and then the House adjourned.

THURSDAY, January 30.

Mr. SERGEANT presented a memorial of the manufacturers of cordage, in the city and county of Philadelphia, remonstrating against an increase of the duties on the importation of foreign hemp, as proposed in the bill now pending before this House, for the more effectual encouragement and protection of American manufactures; which memorial was referred to the Committee of the Whole on the state of the Union, to which the said bill is committed.

Mr. RANKIN, from the Committee on the Public Lands, to which was referred the bill from the Senate, entitled "An act for the relief of the representatives of John Donelson, Thomas Carr, and others," reported the same, with amendments; which were committed to the Committee of the Whole, to which is committed the bill concerning pre-emption rights in the Territory of Arkansas.

Mr. PLUMER, of New Hampshire, from the Committee on the Judiciary, reported a bill to alter the times of holding the circuit court within the sixth circuit for South Carolina district, and for other purposes; which was read twice, and committed to a Committee of the Whole.

Mr. HARVEY, from the Committee on Naval Affairs, to which was referred the Message from the President of the United States, with a communication from the Navy Department, in regard to an appropriation for the purpose of erecting fortifications on Thompson's island, formerly called Key West, made a report thereon, adverse to making the said appropriation; which was read, and ordered to lie on the table.

The House took up, and proceeded to consider, the resolution submitted yesterday by Mr. RUGGLES, and laid on the table; and, being read, was agreed to.

On motion of Mr. WILLIAMS, of North Carolina, all the orders of the day were postponed, by a vote of 95, which preceded the bill for the relief of James Morrison.

The House then resolved itself into a Committee of the Whole on the bill, and, after spending some time therein, the Committee rose, and the bill was ordered to be engrossed for a third reading to-morrow.

Mr. JENNINGS submitted the three following resolutions, which were read, and ordered to lie on the table one day, under the rule:

1. *Resolved*, That the Secretary of the Treasury lay before this House a statement showing the description and character of the collateral security obtained in the year 1821, for $168,543, "deposited in the Bank of Vincennes at the time of its failure," and whether such collateral security consisted in liens on real property, or in public or personal securities; if in liens on real property, the value of such property at the time of its acquirement, and what sum of money it will probably yield to the Treasury, if sold on a credit of one, two, and three years; the present situation of the title to such real property; and all communications to and from the said Secretary, in relation to such liens; if in public securities, whether an assignment of the State debt of Indiana, to the Bank of Vincennes, was not taken without any correspondence with any officer or agent of the State government, and if so, whether such assignment has been cancelled, the time when, and by whom; and, if not cancelled, whether the United States claim a right of property in any portion of the State debt aforesaid, which may remain unliquidated; and communications to and from said Secretary, in relation to such assignment.

2. *Resolved*, That the Secretary of the Treasury inform this House whether the Bank of Vincennes complied with its agreement with the Treasury Department, to furnish, quarterly, a list of its debtors, and the amount owing by each; and, if so, the amount owing to said Bank by Charles Smith's steam-mill company, upon each rendition of the quarterly lists aforesaid.

3. *Resolved*, That the Secretary of the Treasury inform this House whether or not any draft or drafts have been drawn upon said Bank of Vincennes, under the direction of the Treasury Department to said Bank, dated the 7th of July, 1820; and, if so, under what item of appropriation, in whose favor, the date of such draft, or drafts, and the object for which the same were drawn.

Mr. RANKIN submitted the following resolution, which was read, and laid on the table one day, under the rule:

Resolved, That the President of the United States be requested to inform this House if the Commissioners, appointed for the purpose of ascertaining titles and claims to land in Florida, have severally attended to, and discharged the duties assigned them, or if any of them have resigned, neglected, or refused to act; and if any one of the Commissioners, without discharging the duties assigned him, has drawn the compensation allowed for the performance of the duties prescribed by the said act for ascertaining titles and claims to land in Florida.

The SPEAKER laid before the House a letter from the Secretary of State, stating that, in pursuance of the joint resolution of the 30th of March, 1822, a digest of manufacturing establishments, in the United States, and of their manufactures, formed from the accounts required by the 10th section of the act to provide for taking the fourth census, or enumeration of the United States, has been made, and printed, under the direction of the Department of State, and that fifteen hundred copies of the said digest are at the disposal of Congress; which letter was read, and ordered to lie on the table.

REVOLUTIONARY PENSIONS.

The engrossed "bill supplementary to the acts 'to provide for certain persons engaged in the land 'and naval service of the United States in the 'Revolutionary war," being come before the House for its third reading—

Mr. McCOY said, that this bill was of more importance, as to the extent of its operation, than gentlemen seemed to be aware of. It had been calculated, by some of them, that it would cause an additional expenditure of an hundred and fifty thousand dollars. Gentlemen ought to be a little cautious in regard to their calculations. When the first Revolutionary Pension Bill, which has caused so large an expenditure, was first passed, it was supposed it would give rise to an expenditure of a hundred and sixty or two hundred thousand dollars; whilst the expenditure had been ten-fold that amount. He did not mean, however, to make any remarks against this bill, having risen only to call for the yeas and nays upon it, to show his hostility to it.

The question on the passage of the bill was accordingly taken by yeas and nays, and decided—yeas 130, nays 14, as follows:

YEAS—Messrs. Allen of Massachusetts, Allen of Tennessee, Ball, Barber of Connecticut, Barber of Ohio, Barstow, Bateman, Baylies, Bayly, Bigelow, Blackledge, Borland, Breckenridge, Brown, Burrows, Butler, Campbell of New York, Campbell of Ohio, Cassedy, Chambers, Colden, Condict, Conkling, Conner, Cook, Crafts, Cushman, Cuthbert, Dane, Darlington, Denison, Edwards of Connecticut, Edwards of Pennsylvania, Farrelly, Findlay, Forrest, Forward, Fuller, Gebhard, Gist, Gorham, Gross, Hardin, Harris, Harvey, Hawks, Hemphill, Herrick, Hill, Hobart, Holcombe, Hubbard, Ingham, Jackson, Jennings, J. T. Johnson, Kent, Keyes, Kirkland, Lathrop, Leftwich, Lincoln, Litchfield, Little, McCarty, McKim, McLane, McNeill, McSherry, Mallary, Matlack, Matson, Mattocks, Mercer, Metcalfe, Mitchell of Pennsylvania, Moore of Alabama, Morgan, Murray, Neale, Nelson of Massachusetts, Nelson of Maryland, New, Patterson of New York, Patterson of Pennsylvania, Phillips, Pierson, Pitcher, Plumer of New Hampshire, Plumer of Pennsylvania, Reed of Massachusetts, Reid of Georgia, Rhea, Rich, Rochester, Rodney, Ross, Ruggles, Russ, Russell, Saunders, Sergeant, Sloane, William Smith, J. S. Smith, Spencer, Sterling of Connecticut, Sterling of New York, A. Stevenson, Stewart, Stoddard, Swan, Taylor, Tod, Tomlinson, Tracy, Trimble, Udree, Upham, Vance, Van Rensselaer, Walworth, Whipple, White, Williamson, Wilson, Wood, Woodcock, Woodson, and Wright.

NAYS—Messrs. Abbot, Alexander, Bassett, Edwards of North Carolina, Garnett, Gilmer, Hooks, McCoy, Rankin, Arthur Smith, Tattnall, Thompson, Williams of Virginia, and Williams of North Carolina.

So the bill was passed, and sent to the Senate for concurrence.

SUPPRESSION OF PUBLIC DOCUMENTS.

Mr. DWIGHT, from the Select Committee appointed on the 21st instant, on the letter of Messrs. Gales & Seaton, made a report thereupon, acquitting them of all blame in regard to the matter referred to in that letter. The report is as follows:

The committee appointed in pursuance of a resolution of the House of Representatives, adopted on the 21st January, to investigate certain charges referred to in the letter of Messrs. Gales & Seaton, have attended to that service, and ask leave to report:

That they have given to the subject all that consideration which the magnitude of the charge, and the reputation of those who have long been in the service of this House, and hitherto high in its confidence, seemed to require.

That, while your committee have been impressed with the importance of the charge to the reputation of the accused, they have not been unmindful, that it involved, also, a gross violation of the rules of this House, and a contempt of its authority and dignity.

Nor have your committee omitted to notice, that the charge against Messrs. Gales & Seaton is enhanced in importance, by imputing to them the criminal design of shielding, by the alleged omission, an important department of the Government from a "just responsibility."

To the investigation of such a subject, involving at once the confidence which this House and the nation shall repose in the information upon which it acts, the character of one of the first officers of the Government, and the fidelity of the public printers, your committee have not proceeded without the most cautious inspection of the documents submitted to them, and the most solemn sanction to the testimony of the witnesses, upon which their opinion was to be founded.

The evidence taken in the case has been preserved, and is submitted entire at the conclusion of the report.

The charge against Messrs. Gales & Seaton, in regard to which they prayed this investigation, was contained in a communication printed in the Washington Republican, of the 20th of January, instant, over the signature of A. B. and was, in substance, as follows: (see document marked A, and the paper annexed.) That, in printing the documents accompanying the report of the Secretary of the Treasury, of the 14th of February, 1822, in answer to a resolution of the House of Representatives, calling upon him to exhibit a statement of his transactions with all those banks which had been made by him the depositories of public moneys received from the sales of public lands, that they had suppressed and totally omitted, in the printed document with which they furnished the House, parts of those documents implicating Mr. Crawford the most strongly.

The attention of your committee was first directed to an examination of all the original documents which accompanied the report of the Secretary, above alluded to, and they find the following paragraphs, in the originals, entirely omitted in the printed documents which were furnished the House, to wit:

In a letter from Wm. R. Dickinson, Cashier of the Steubenville Bank, to the Hon. Wm. H. Crawford, dated 3d April, 1819, and referred to in the original documents by the pencil mark, (A 5) the following paragraph is omitted:

"The difference of which you speak in your letter of the 12th ultimo between the sum mentioned in my letter of the 18th February, arises from the circumstance of your having extended your friendly disposition to this bank beyond *what was dared by our Board to ask.* I mentioned only the debt to the Branch at Pittsburg, whereas you have directed (as well as that mentioned) a transfer from the Branch at Chillicothe, which debt this Branch was taking measures to discharge. As soon as the transfer is made from the Bank of Columbia, the entries shall be made in the books of this institution as you direct. I remark, however, in the statement which you furnish

from the Bank of Columbia, that 'notes $3,895' is entered, which I know nothing of, having never before heard of it."

The above extract in the original is included between lead pencil brackets; the whole is crossed with a pencil, and the words "what was dared by our Board to ask," are underscored by an ink line.

In a letter from John Sering, Cashier of the Farmers and Mechanics' Bank of Indiana, dated Madison, 24th August, 1820, to the Secretary of the Treasury, the following paragraph is included between pencil brackets, crossed by a pencil mark, and omitted in the printing.

This letter is referred to in the original documents, by a pencil mark in the margin as F 6—"I would, however, inquire if the Mechanics' Bank of Alexandria, as well as the Franklin and Merchants' Bank, ought to be excepted." The words *Mechanics' Bank of Alexandria* are underscored by an ink line, and the word *out* written in pencil, in the margin, against the above extract.

In a letter referred to in the original document, by the pencil mark, (I 6,) from Aug. Chouteau, President of the Bank of Missouri, dated St. Louis, 9th of August, 1819, to the Secretary of the Treasury, the following words are crossed by a pencil mark; the word *out* written in pencil against them in the margin, and omitted in the printed documents:

"It is known to us, that the same money which has been received in payment, by the receiver at this place, is not identically presented for deposite at this bank."

In a letter referred to in the original documents as (L 5) from Leroy Pope, President of the Planters and Merchants' Bank of Huntsville, dated 4th May, 1819, to the Secretary of the Treasury, the following paragraphs, included in pencil brackets, and crossed by a pencil, are omitted in the printed documents:

"Your conjecture in relation to your circular of the 11th July last, is correct; the important words, subsequent to the 30th June last, are not contained in the copy received by us; and this circumstance satisfactorily accounts for the construction it received from the Board of Directors. We regret that any mistake should have occurred, but we rejoice that our decision is thus acknowledged to have been proper. Agreeably to your request, I return the copy heretofore received, and under which we have necessarily acted, and retain the correct copy accompanying your last letter."

In letter (M 5) of the original documents, from Israel Pickens, President of the Bank of Tombigbee, to the Secretary of the Treasury, dated St. Stephens, August 18, 1819, two pages are sealed over with white paper; and omitted in the printed documents.

In regard to those parts of the letters (L 5) (F 6) and (I 6) above extracted, and omitted in the printed documents, the committee are satisfied that they were thus marked by Mr. Dickins, one of the Chief Clerks in the Department of the Treasury, for the purpose of calling the attention of the Secretary of the Treasury to them, as containing information irrelevant to the subject-matter of the call, and improper in his opinion to be communicated to the public, on account of disclosures they made, or opinions they expressed, which might be injurious to the affairs of the banks or individuals to whom they alluded; and that the word *out* in the margin of each of those three letters, was made by him as a guide to the compositor to omit them in the printing.

In reference to the matter concealed in the letter, (M 5,) by the white paper sealed over it, they feel themselves constrained to say, that it had no bearing upon the objects of the call for information, and might have been injurious to the interests of the individuals or the banks mentioned in it, had it been published at that time. They are satisfied, also, that such were the motives which induced Mr. Dickins, the Clerk, to cover the pages with paper, which he disclosed was done by him.

The committee submit that they have been thus enabled to suggest, satisfactorily to the House, the causes which had produced the omission, in the printing of all the documents, except that of (A 5,) which they suppose to be the particular document referred to in the communication signed A. B.; and, in regard to which, after an examination of all the witnesses, who were considered to be important to the investigation, and pushing the inquiries to the extent of the supposed powers of the committee, they are now obliged to confess (and they do it with regret) that they have obtained no satisfactory information.

Had the same causes existed for the suppression of this particular paragraph, which actuated the Clerk in the Treasury Department to mark all the others, your committee would feel no hesitation in presenting to the House the strong probability that it might have been done by that gentleman. But a recurrence to his testimony, communicated herewith, and marked (E) will satisfy the House that that probability is too much weakened to be made the ground work of the opinion of a committee of investigation.

But, whatever difficulties the committee may have encountered in ascertaining by whom the marks were made, and the paragraph suppressed, they have none in stating that the accused did not cause it. And they cannot do justice to the unanimous opinion which they have formed, from a careful consideration of all the evidence before them, without stating their strong conviction that neither Mr. Gales nor Mr. Seaton had any knowledge of, nor participation in, the suppression of the paragraph omitted in the letter marked (A 5) or any other of the documents which were submitted to the House, in answer to the call so often alluded to. In support of their opinion, upon this part of the case, your committee would refer the House to the annexed testimony of George M. Grouard, marked B; of Wm. Kerr, jr., marked C; of Mr. Burch, Deputy Clerk of the House, marked D; of Asbury Dickins, marked E; and of the Hon. Wm. H. Crawford, marked F.

[For this testimony see appendix at end of volume.]

In regard to the other individual implicated in the communication attached to the letter of Messrs. Gales & Seaton, your committee do not hesitate to say, that there has not been any evidence submitted to them tending in the slightest degree to show that the suppression of the paragraph alluded to, was caused either by the influence of the Secretary of the Treasury or was done with his knowledge.

The interesting nature of the present inquiry has suggested to your committee the propriety of submitting to the House the expediency of appointing some member or members of its own body, in every case, to superintend the publication of all documents which may hereafter be printed by order of the House.

In conclusion, your committee would beg leave to submit the following resolution, to wit:

Resolved, That the committee appointed upon the letter of Messrs. Gales & Seaton, be discharged from the further consideratiom of the subject referred to them.

The report having been read—

Mr. DWIGHT moved that it lie on the table, and be printed.

Mr. CONDICT wished the question should first be taken on the resolution appended to the report, which recommends that the committee be discharged from the further consideration of the subject.

Mr. DWIGHT, observed, that the report refers repeatedly to the evidence, which had not been read; and the House could not be with propriety asked to decide any question upon this matter without having had an opportunity to peruse the evidence.

Mr. SAUNDERS took the same view of the matter. After gentlemen had examined the evidence, they would be able to determine, understandingly, whether the report was satisfactory or not.

Mr. BASSETT suggested that the committee being a select committee, and having reported, was, by the act of reporting, discharged from the further consideration of the subject.

The SPEAKER said it was unquestionably true, that the select committee having made a report in full upon the subject referred to it, was *ipso facto* discharged from the further consideration of that subject; though the practice of the House had been to take a question on such resolutions, as that now reported by the select committee.

The report was then ordered to lie on the table.

THE NEW TARIFF BILL.

The House then again resumed, in Committee of the Whole on the state of the Union, the consideration of the unfinished business of yesterday, Mr. TOMLINSON in the Chair, being the bill for the more effectual protection and encouragement of domestic manufactures.

Mr. HOLCOMBE, of New Jersey, rose, and addressed the House as follows:

I rise, Mr. Chairman, with peculiar embarrassment, to offer myself, for the first time, to the House, on a subject which has been so often discussed, not only upon this floor, but in every town, and village, and city, in the Union, that the very name of Tariff has become odious to many ears—a term of reproach, and almost a by-word. But, notwithstanding these facts, it is a subject of the deepest interest; and is yet popular with a great majority of the American people. It is my intention to advocate the bill. And let it not be insinuated of me, as it heretofore has been of others, that interest stimulates the discussion. The feeble connexion which I may once have had with manufacturing establishments, is forever dissolved, and I now stand in my place as a common representative of the citizens of the United States, to defend one of the most interesting questions of national policy, as I conscientiously believe it to be, that can possibly be agitated at this time, upon this subject.

The true manufacturing question, or the policy of founding the commercial interests and permanent revenue of this country upon its manufacturing industry, is not novel. It is, indeed, coeval with the Government. Allow me, Mr. Chairman, to call your attention, for a moment, to the early history of the tariff. Soon after the peace of '83 had recognised our right and rank as an independent nation, the creation of a revenue, adequate to the necessary expenditures of the Government, became a subject of interesting inquiry to the politicians of that period. A resort to direct and indirect taxation was inadmissible, and, indeed, impossible. The precious metals had deserted the country—a circulating medium was wanting. From customs alone, it was evident, the country was to derive its revenues. And the insufficiency of its customs, accruing from a commerce supported wholly by agriculture, was already palpable. The wretched and ruinous state of our colonial commerce was yet vividly recollected, and the inferences from it were irresistible; and hence, in the numerous systems of revenue and tariff, which were projected at that period, the protection of manufacturing industry formed an essential, nay, an indispensable provision. The report of the Secretary of the Treasury, Mr. Hamilton, is still familiar to the public. And it cannot be questioned, had the principles of this celebrated paper (for its details were remarkably defective) been adopted into a system of permanent policy, we should have forever avoided the necessity of publishing to the world the degrading and extraordinary fact, that, after a course of unexampled, and almost uninterrupted prosperity for thirty years, the commercial revenues of the most enterprising people in the world were insufficient to meet, in the time of profound peace, the necessary expenditures of the cheapest Government upon earth. But the fact is notorious—it has become history.

It was my intention here, Mr. Chairman, to have rapidly reviewed the history of the tariff, from the commencement of the wars which grew out of the French Revolution to the present period, and to have accounted for the bitterness and hostility which distinguish, otherwise, the most liberal and enlightened statesmen of our country on the subject of the tariff; but presuming that the Committee is entirely familiar with the subject, and fearful of trespassing upon your patience, I shall call your attention immediately to the following propositions, which I mean to defend:

1st. The protection of manufacturing industry, by means of commercial restrictions, is indispensably necessary to develop and sustain the wealth and power of nations.

2d. A further and liberal extension of the tariff, (perhaps such as is contemplated by this bill,) will enable the American manufacturer to supply, hereafter, not only domestic consumption, but to compete profitably with other nations in foreign markets.

Upon these general principles I shall defend the bill. I do not profess to be familiar with its details. Nor is it particularly necessary, after the able and luminous exposition which they have received from the honorable gentleman who re-

ported the bill. I wish, however, my opinions to be distinctly stated, and fully understood. The manufacturing interest of this country is no longer a subject of partial legislation and contingent protection, but constitutes, at this moment, one of its great interests, and is equally entitled, with commerce and agriculture, to the most effectual and permanent protection. And it further appears to me to be the obvious policy, as well as the imperative duty of the Government, (in order to protect this great interest,) to commence, immediately, a system of prospective, but ultimately of entire exclusion from our shores of every article, of foreign fabric, the material of which we either possess, or can abundantly create. My object is to award to our manufacturing interest the same certain and exclusive protection which we have long since awarded to our commerce and agriculture.

I will proceed to the consideration of the first proposition—that the protection of manufacturing industry, by means of commercial restrictions, is indispensably necessary to develop the resources and wealth of nations. The testimony of history, in sustaining this proposition, is ample, uniform, and conclusive. I now appeal to its strongest facts:

At an early period of modern Europe, several nations became wealthy and powerful, by introducing and protecting, within their respective territories, manufacturing establishments, as the basis and sources of an extensive and enterprising commerce. Of these the most distinguished were Genoa and Florence, Venice and Holland. Venice, won from the waters of the Adriatic sea, became the mistress of the South of Europe; and Holland, reclaimed from the marshes of the German ocean, continued for centuries the pride and wonder of the North. Time and revolution, it is true, have swept away their former institutions, and merged, in many instances, their very existence in the nations around them. But their examples will forever remain in history, as brilliant memorials of what the genius, industry, and enterprise of free communities can effect, when aided and protected by enlightened legislation.

But the most extraordinary example which the world presents of the policy and results of protecting manufacturing industry, is unquestionably that of England. I am fully aware, Mr. Chairman, that the example of England is trite on this subject, and revolting upon this floor. But I will detain you but a moment. And, in hurrying you to the point which I have in contemplation, if I cannot carry you over this barren subject by new paths, I will at least remove from those already beaten, as far as I am able, every thing offensive and annoying. But of England—never before existed a nation so wealthy and powerful—a comparatively barren island in the northern ocean, has become the garden of the world—a nation destitute of mines, by her admirable policy has diverted to her shores the gold and silver, the wealth and tribute, of every climate and region under Heaven. There is no sea but which is visited by her marine. And the standard of her sovereignty waves in every quarter of the globe. Never before on earth was swayed a sceptre like hers, so mighty and efficient, so fearful and tremendous. The genius of the great Napoleon, with Europe at his feet, sunk beneath its influences. And the power of the Roman empire, in its proudest days, was feeble in comparison to it. And whence, Mr. Chairman, has this great supremacy among nations been derived? By what means or magic has it been achieved? Simply from the policy of protecting—of effectually protecting the industry of her citizens from all foreign competition; of adopting, since the days of her revolution, the principles of the bill which I have now the honor to advocate. Let me not be told of the vice and misery of her manufacturing districts—of her taxes—her poorhouses, and paupers. These are all acknowledged. But they are the necessary, the unavoidable consequences of her ambitious and interminable wars—the immediate results of the operation of her national debt. Extinguish this, and you collect at this moment around the laboring population of England more of the comforts and necessaries of life than have ever yet fallen to the lot of any other people, with the exception of our own citizens, in the world.

The policy of Spain is the reverse of that of England. Here, the doctrines of the author of the Wealth of Nations, the unrestrictive system, has been, for ages past, in full and free operation. And what has been the result? The finest country in Europe, into which the gold and silver of Mexico and Peru, and the wealth of both the Indies, have flowed in a full and uninterrupted stream for three centuries, has gradually sunk from the elevation of her imperial grandeur, below the level of the secondary Powers of Europe, and at length into utter bankruptcy. Recollect, Mr. Chairman, that I speak with reproach only of her commercial system—of her wretched tariff. And I avail myself, with the highest satisfaction, of this opportunity of expressing, in the presence of the representatives of the American people, my admiration of the sublime and interesting spectacle which the Spanish nation at this moment presents, and has been, for years, exhibiting to the world. At a period the most unexpected and unhoped for, the entire population of this extensive and beautiful region arose at once into new life, and, bursting asunder the chains which the superstition and tyranny of ages had rivetted around them, erected, on the ruins of the sternest and gloomiest despotism upon earth, a government of virtual representation and constitutional liberty. Imperishable be her institutions! and may the spirit of revolution, which was first enkindled on our altars, and which has gone forth from her borders, be unextinguished until every despotism in Europe be overturned; and the rights and independence and happiness of every nation, and people, and kingdom, under Heaven, be established upon the only basis which the progress of enlightened opinion shall consent to regard as legitimate—the basis of liberty and equality!

But to return to the subject. Look for a moment beyond the Pyrenees. At the Convention of

Paris, France was exhibited to the world, fallen, degraded, and in chains, at the feet of the sovereigns of Europe. Her great chieftain in captivity—her armies beaten and dispersed—her pride and military spirit humbled in the dust. She seemed forever struck from her commanding attitude in Europe; and to have retrograded, at least, half a century in the politics of Europe. And such, indeed, were the confident predictions of statesmen and essayists, particularly of the politicians of this country and Great Britain.

Now mark the result! Before these very predictions had reached the extremities of the world, before the armies of their deliverers had ceased to outrage the presence of the French people, a system was already in operation, which instantaneously insured the regeneration of France. Embarrassment disappeared from every department of the State. A new army was organized; a formidable navy created; a splendid and experienced government and court established and supported; and the immense tribute of foreign indemnification extinguished with a celerity that appeared like the operation of magic. And in less than six years from the period of her signal overthrow, France arose again to her former elevated standing, the same great, efficient, and distinguished nation as before. And to what causes, Mr. Chairman, are we to attribute this sudden, this extraordinary regeneration? Was it because the vine covers her hills, or the olive her valleys? Was it because her soil was the richest—her climate the healthiest, or her population the most ingenious in Europe? No, sir! It is to her admirable commercial system, to which we are to look for the solution of the question. A system which protects the industry of France, and secures to her own citizens the distinguished blessings which the bounty of nature hath lavished upon them. A system, sir, an approach towards which is indicated by the bill under consideration.

An imaginary line separates the kingdom of France from the Netherlands. But if the Andes had arisen, or oceans rolled between them, their respective boundaries could not have been more distinctly, or strongly, or palpably marked! On the one side is a population, active, industrious, and happy; on the other, poor, indolent, and wretched. France protects the industry of her citizens; Holland has departed from the system of her forefathers; and, by means of her new doctrines, paralyzed the energies of the most industrious people in Europe.

It is unnecessary to pursue such facts further; history, both ancient and modern, without a solitary exception, attests the truth of the proposition which I have attempted to illustrate, that the protection of manufacturing industry, by means of commercial restrictions, is indispensably necessary to develop and sustain the wealth and power of nations.

Allow me now, Mr. Chairman, to call the attention of the Committee, for a few moments, to the second proposition.

A further extension of the tariff (perhaps such as is contemplated by the bill upon the table) will enable the American manufacturer to supply not only the domestic consumption, but compete profitably with other nations in foreign markets.

The manufacturing question is very different from what it was ten years ago. It then was, whether we should foster and promote our infant establishments. It now is, whether we shall sustain and extend our matured ones. It then was, whether we could manufacture any article as profitably as we could purchase it. It now is, whether we cannot, by additional protection, sell profitably abroad, as well as in the domestic market, the fabrics which we produce.

This may probably be regarded as a new, as it certainly is a very interesting view, which this great national question begins, legitimately, to present.

But, are its objects, Mr. Chairman, visionary or unattainable? If the uniform testimony of every nation which has ever existed, be not entirely delusive, and the experience of a thousand establishments in our own country, which have struggled into existence in despite of every species of depression, be not utterly fallacious, they are already within our reach. Packages of American goods are at this moment shipping to the South American markets. The rise, indeed, and progress of these Southern Republics, may be regarded as particularly auspicious to the policy I am advocating. Commercial treaties will shortly be concluded between them and us; and, from the precedence which we had taken in recognising their independence, we shall constantly be entitled to the regard and privileges of the most highly favored nation. And, from the genius of their population, and the infinite variety of their productions, there is no question but that an extensive and profitable market may be opened to our marine, if we will permit our merchants to adventure in it.

I am fully aware, Mr. Chairman, how lightly these remarks—speculations, if you please—are regarded by many, to whom they are addressed. But, I recollect, and the House well remembers, when Congress was first petitioned to protect our cotton manufactures, with what keenness and derision the idea was contested, that we should ever be able, or at least for a long series of years, to manufacture such articles as profitably as we could purchase them. And yet, sir, in the shortest possible period, shorter, indeed, than the most sanguine friend of the tariff could have ventured to predict or imagine, the muslins of India disappeared, and our own fabrics, substantially better, cheaper, and equally abundant, forever superseded their use. And will not the same splendid results crown similar acts of legislation, for the protection of every article of legitimate manufacture in this country?

The progress which we have already made in manufactures, is a fact as surprising as it is congratulatory, if we regard for a moment the feeble protection which has been awarded them, and the difficulties which, at every step, they have to oppose and vanquish. It is, seemingly, but yesterday—and, indeed, it is little more than thrice three

years since, when it was as universally believed throughout our country, that we are as incapable of competing profitably with the foreign manufacturer, as of combating successfully the Mistress of the Ocean upon her own element. The success of Waltham, however, and unnumbered other establishments, which adorn the valleys and villages of our country, have dissipated, effectually dissipated, the one delusion; and the gallant Hull, triumphant over all his enemies, has forever buried the other, with the wreck of the Guerriere, in the depths of the Atlantic.

I will now, Mr. Chairman, briefly examine, or rather, I will glance over, the principal objections which have been urged against the manufacturing system in this country. It has been denounced and held up to public odium, as a system calculated to benefit the few at the expense of the many. Experience in every country heretofore, and in this country, as far as the experiment has been made, has proclaimed in the most unequivocal manner the inconclusiveness of the objection.

The spirit of the bill is, and its ultimate operation must be, to destroy, (by multiplying rival establishments,) not sustain monopoly; to lessen, (by promoting competition,) not increase, inordinate profits; to advance the interests, not of individuals, but of the community. And that such, indeed, will be its eventual operation, may be strongly, if not conclusively, inferred, from the hostility manifested towards it by the manufacturers themselves; by the proprietors of such establishments as have been enabled, by means of large capitals, to withstand the shock of European competition, and continue to realize profitable dividends. And in fact, objections like the one under consideration, might be urged with as much force, and more propriety, against the navigation of the North, and the agriculture of the South, and every other great interest of this country, which depend upon the exclusive protection of the Government. Yes, sir, in free communities, competition destroys monopoly, and profitable markets insure abundance. And were it possible at this moment to exclude from our shores every article of foreign fabric, the material of which we possess in abundance, there is scarcely a doubt, (such is the infinite industry, skill, and enterprise of our citizens,) that in half a dozen years—nay, possibly in a much shorter period—we should be as cheaply and as abundantly supplied as at present. But the more correct policy unquestionably is, to obtain these ends by more progressive means.

Another objection which has been urged, with great force and plausibility, against the manufacturing system, is its supposed tendency to contract commerce, and of course to lessen the revenue. And this, indeed, Mr. Chairman, the impairment of the revenue, is the most formidable objection which the manufacturing system has ever had to combat on this floor, or in this country. Direct taxation, in all its forms, is so odious to the American people, that, rather than submit to its exactions, they will tolerate any system of revenue, however ultimately ruinous it may prove.

But is the objection entitled to the consideration which it has received? No, sir. It is an axiom in political economy, utterly incontrovertible, that the interests of the revenue are advanced by whatever tends to promote domestic industry and wealth. Such is the idea—its exact expression I have forgotten. Examples without number might be adduced in confirmation of this doctrine; but, fearful of trespassing upon the patience of the Committee, I cannot pause to collect them, and will merely observe, in passing, that manufacturing establishments create—understand me, sir, *create*—purchasing *communities* of foreign productions, which directly advance, in proportion to their population, the interests of the Treasury. The costly bonnets of Italy, and silks of France and China, find already an extensive market in our manufacturing districts. And the consumption of the ordinary necessaries of tea, coffee, and sugar, are doubled and trebled in a community whose expenditures may be always accurately rated by their capacity to purchase. And thus, sir, the injury which the revenue sustains, by the lessened importation of one article, (the article manufactured at home,) is fully, if not more than repaired, by the increased consumption of others. And such is, and must forever continue to be, the obvious and necessary operation of every legitimate manufacturing establishment in our country.

Another objection to the manufacturing system, (and this is the last one which I shall notice,) is its alleged operation upon the morals of society, in inducing vice and misery.

Whatever truth this objection may have in its application to the limited extent of European countries, and the crowded and peculiar population of their cities, it is entirely lost in its bearing upon the manufacturing establishments of this country, which are scattered over an immense territory, and whose population bear, and will forever continue to bear, a small relative proportion to the rest of the community.

Manchesters and Birminghams, those theatres upon which such fearful scenes of vice and misery have been exhibited, we have no right to apprehend will ever arise amongst us. Our immeasurable territory forms our everlasting protection. Oppression may reach, but not permanently, the American laborer. He is a freeman, who possesses the right and capacity of changing his residence and employment whenever his disposition may lead him to pursue his happinesss elsewhere. For him there is a land of promise and refuge blooming in the West.

The European, on the contrary, is a a slave who is chained by the severest fate to a single spot, and compelled by the sternest necessity to pray for the wretched privilege of earning his daily and scanty subsistence. For him there is no transition but from the workshop to the poorhouse—there is no refuge but the grave.

But, even in England, where this objection applies with its full force, and where man is exhibited in "masses of misery," as the suffering population of her manufacturing districts have been aptly and strongly termed—yet even there, (unexpected as the fact may be) we are assured by her ablest

statists that vice and pauperism characterize more certainly her agricultural than her manufacturing population. At any rate, it will not be denied, in our country, wherever such establishments have been successfully located, that, instead of vice, and crime, and pauperism gathering in their circles, the country has flourished around them, and the comforts and independence of the people been constantly advanced.

Why has the tide of emigration from New England ceased to flow? Is independence no longer to be won in the wilderness of the West; or, is its frontier still swept and desolated by the savage? No, sir. The motive for emigration is extinguished. New England has become, or partly become, a manufacturing district, and the poor man has again found, around the home of his fathers, constant employment and liberal wages—those certain and inexhaustible sources of the happiness of individuals, and the glory and wealth of nations.

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A few moments more, Mr. Chairman, and I will cease to trespass upon the indulgence of the Committee.

The situation of our country is truly felicitous. Blessings, indeed, of every kind, surround us. Glory has crowned the past, and the future is glowing with the most brilliant destinies. Never were there institutions, in politics, more admirable than our own. They embrace the wisdom of every age, and the perfection of every system; and, independently of the blessings which we have created for ourselves, what has not the bounty of nature lavished upon us?

Our mighty rivers, our capacious bays, our inland seas, indicate capacities for commerce which have never been surpassed, nor equalled. Our mountains abound with coal and iron—the agents and materials of our future manufacturing superiority; and the extent and variety of our soil, productive in all the great staples of commerce, aided, too, by facilities for internal communication, which are as gratifying as they are unbounded, will forever distinguish our agriculture.

To promote the industry of this great nation; to develop its resources; to mature, sustain, and extend its existing interests and institutions, are the objects of the present bill.

Our manufacturing industry, let me repeat again, is no longer a subject of partial protection, or contingent legislation, but constitutes one of the great interests of the country, and is fully entitled to the most efficient and permanent protection. Let the bill, therefore, Mr. Chairman pass—pass without embarrassment or amendment. Go further, and resolve, from this moment, to exclude from your shores every species of foreign fabric which you can profitably manufacture at home. Nay, sir, go one step still further. And, as intimately and essentially connected with your manufacturing policy, establish a liberal and enlightened system of internal improvement, accommodated to your immediate wants and commensurate with your future necessities; and which has been urged upon your consideration by the voice and will of your constituents, as fully, and unequivocally, and universally expressed, as they ever have been upon any question of great national expediency—and there is no state of prospective wealth and independence which we cannot reach; there is no eminence of national power and glory unto which we will not attain.

When Mr. H. had concluded—

Mr. Tattnall, of Georgia, addressed the Chair. He expressed himself as fully sensible of the liberality and friendly politeness of the honorable gentleman from Massachusetts, (Mr. Baylies,) in yielding the floor to him on the present occasion. The object of that gentleman was to take up the bill in detail, for the purpose only of changing some of its features. My object, said Mr. T., is different. I am willing to receive this bill in no shape. I am therefore not inclined to enter upon the discussion of the propriety of any amendments that may be contemplated. I am altogether opposed to the system which it is intended to uphold; and am desirous of testing, at once, the sense of this House, whether it is prepared to enter upon the policy, so boldly recommended upon this occasion, of encouraging our domestic manufactures by the imposition of duties completely prohibitory of foreign importations. His objections to this bill were twofold; first, because of its operation in relation to the people, generally, of the United States; and, secondly, because of its bearing upon the particular district of the country from which he had the honor to come. He would briefly state his general objections to the policy upheld by this bill; and, in the course of the few remarks with which he would burden the attention of the Committee, he would endeavor to take some slight notice of the arguments urged in its favor. In the first place, said Mr. T., I would remark that, to authorize us to pass this bill, gentlemen should not only convince us that it is calculated to benefit the manufacturing interests, but they must also place it beyond a doubt that the other classes of laborers in our country will not be injuriously affected. The capacity of the Government to benefit may be unlimited. Not so its power to injure. It may have a right to advance the interests of manufactures. It can have no right to interfere with the prosperity, or check the progress of agriculture and commerce, particularly as the two latter cover a space, in importance, of incomparably greater extent. As far as he could inform himself, and as far as his reflection upon the subject extended, he was satisfied that, instead of its being proved that the agricultural and commercial interests would not be injured, it was clear to his mind that the contrary would be the effect. Nay, sir, said he, I am satisfied that this has already been the case to a partial degree; I know, at least, it has been so in regard to agriculture, in the quarter of the country in which I reside. He could not, therefore, give his assent to the bill. On the contrary, he felt it his duty to raise his voice against it. He regarded it as unjust and grievous; unjust, as it is partial legislation, intended to benefit a few; and grievous, as it promises to seriously afflict the interests of every other portion of our community. No burdens

should be imposed but for the support of the Government, and these should bear equally upon the shoulders of all. Any other principle is oppressive and unjust. If you give a bounty to one class, you must take so much from the common stock. You cannot encourage all; for to take from a common stock to encourage all, would be preposterous. To be just, therefore, you must not interfere. The attention of the Government must not be directed to a single object. Nineteen-twentieths of the people of this country are engaged in agriculture and commerce, either directly or indirectly. Is it just, then, to pass a bill which shall cramp their efforts, or lessen their profits, simply to benefit the remaining twentieth? Sir, said Mr. T., this is a matter of too serious consideration to be disregarded by this Committee. Gentlemen may deny the fact of injury to these interests. They may make long speeches in this House, and write long treatises out of it. But they will argue and write in vain.

I assert the fact of injury, and I do so upon the very best ground. I call upon gentlemen to show me a single instance of the agricultural or commercial portions of our country acquiescing in such an opinion as they advance. Every man is supposed to understand his own business best; and, if this maxim be correct, there can be no doubt what effect a system of bounties and protecting duties will have upon these portions of the national community. No, sir, the only proofs to the contrary are to be found in the feeble whinings and flimsy arguments of some of these very manufacturers themselves. Pass such an abominable bill as this, and depend upon it, sir, a whole nation will thunder disapprobation in your ears. I say abominable, and hope that I may be permitted to pronounce it so. Those who know me, know I am not inclined to be personally offensive upon improper occasions. It is not my fault, sir, (said Mr. T.,) if, in condemning the fruit, the goodly character of the tree also should be supposed to be implicated. The agricultural portions of our country, as well as the commercial, have not been silent on this subject. They have frequently laid before you their strong protests against the system upheld by this bill. And are we to dictate to them what measures shall be adopted to promote their own interests? If our community could be compared to a family of children, ignorant of their own good, and incapable of providing for their own wants, then indeed it might be well enough to stretch forth the parental care of the Government. But, as freemen, we must acknowledge that our Government is founded upon a contrary principle. We think the people capable of managing their own concerns. Our Government is an agency, not a guardianship. He would grant that it is the only Government established upon such a principle. But it is no less true on that account. Let the people, therefore, alone. When they find they cannot live by agriculture or commerce, let them try something else. But he entreated they might be allowed to do as they please. If they prefer the plough to the shuttle, or the spade to the needle, why, in Heaven's name, let them alone. It is not necessary, in order that all their wants might be supplied, and all their interests be defended, that gentlemen should officiously interfere to compel a part to leave the active pursuits of husbandry for the purpose of sitting cross-legged upon a tailor's board. Depend upon it, sir, (said Mr. T.,) the people of this country are sharp-sighted enough to do what will conduce to their benefit. There is no nation in the world having, to an equal degree, the individual intelligence, enterprise, and calculating qualities of this nation. The people of this country will never extend their industry in any direction further than they may find it conducive to their profit. If, then, the interests of the country are arrayed in opposition to this manufacturing scheme, why should we attempt to aid its operation? When it becomes the interest of this nation to become a manufacturing nation, then will the object of gentlemen be accomplished. Gentlemen must wait until this natural effect is produced by the natural cause. It is idle to attempt to force it. You might as well attempt to compel from the tree the production of its fruit at an immaturity of age, when nature forbids it.

Where, sir, said Mr. T., is the necessity of taking any step at all on this subject? Why are we attempting an innovation upon the system which wisdom has hitherto pointed out to us? Look at this nation—in infancy, indeed, yet with all the strength of manhood—the growth of but a few years, and yet spreading over a vast empire, and enjoying in every portion of it plenty, if not opulence! Why should we change our policy? Have we not increased in population and in wealth in a degree unexampled in history? And is this entirely owing to any great superiority of our climate or our soil? Is France, is England, is Italy, unblest in these particulars? No, sir; but France, England, and Italy, want the happy influence of our free Government, and the bright sunshine of our liberal policy. We have none of their restrictions, none of their monopolies, and none of their aristocracies, that feed like a canker upon the prosperity of their people. Adopt, however, the system proposed, and, said Mr. T., it requires no prophet to predict that, in a few years, you will have each of these evils, and then your prosperity will be withered, and your country will be ruined. Depend upon it sir, said Mr. T., we cannot with safety attempt the diversion, by artificial means, of a part of the stream of labor, without materially affecting the depth and force and utility of the whole stream. We must have an eye to the general interests of the country, otherwise we shall find ourselves, like Spain, with the materials of wealth in our possession, yet poor, degraded, and impotent. Give space for the activity of every branch of industry, and we may flourish; limit it, we must decay. Enterprise is the very soul of industry; but enterprise must be unshackled—it must move through your country as free as the winds that visit it.

It is not necessary for our prosperity that we should become a manufacturing people. Why should a different policy be pursued by nations,

from that pursued by individuals in society? Does every man weave his own stuff, and make his own coat? Does he tan his own leather, and make his own shoes? No, sir; we all gain by interchanges of labor. To flourish as a nation, we need not do *every* thing. Let us furnish materials—let others fabricate them. With them mechanical labor may be cheaper. With us the agricultural pursuit may be the most profitable. Let us, therefore, employ them as our mechanics. In regard to the application of mechanical labor, said Mr. T., I have my doubts if we can ever cope with them. Foreign—that is, European—nations, have a surplus population. This is not the case with us, and will not be, as long as we shall have immense forests still waiting for the axe of the husbandman. Mr. T. said it was the common cant of the day to call every act in favor of manufactures an act to promote domestic industry. Such a title was imposing: and although men of sense and discrimination were not to be won by names and titles, yet still, with the mass of the people, such an idea was calculated to produce a feeling favorable to the bill. Gentlemen, said he, would make us believe that a portion of the industry of the country had been slumbering for years past, and that it had been roused into action by their exertions. This is not the case. Their exertions, at best, only tend to give a new direction to industry. It is taking from one class to add to another. It is perhaps making (or, if gentlemen prefer the term, *manufacturing*) a sickly manufacturer out of a sturdy husbandman. Keep away the inducements which you would hold out, and you leave to its free exercise the industry of the one class; hold them out, and you encourage the labor of the other. In either case, (taking the correctness of the position as granted,) and you find domestic industry exercised. The only difference is in the subject of its application.

Mr. T. was also opposed to the bill from its oppressive character. The imposition of protecting duties operates as a bounty to manufactures. Now, sir, said he, the consumer, in every instance, pays this amount. Where he consumes domestic articles, he pays it to the manufacturer; and, in addition to this, he is saddled with the expense of the Government. And who, pray, sir, are the consumers? Or, in plainer terms, who form the great mass of your population? The manufacturers? No, sir. They form but an inconsiderable portion of your population. The benefit, then, is enjoyed by the few, and the burden by the many? Is not this tyranny? Yes, sir; and tyranny of the most shameful kind! The creation of these manufactories by legislative acts, and the forcing, as it were, this class upon our national community, was as odious in his view, and as grating to his feelings, as would be the quartering and distribution of a military body among a peaceable community. In either instance, the feelings of the community are in opposition. In either instance their integrity is violated, their comforts are curtailed, and their interests are assailed. Both cases are equally abhorrent to our nature as freemen.

Mr. T. also thought every principle of policy was opposed to the bill under consideration. A strong reason against one of the principal features in the system proposed, is, that all competition in the market would be destroyed, consequently, the purchaser would be at the mercy of the seller. It does really seem to me, said Mr. T., that some gentlemen, when acting in this Hall, are entirely forgetful of the plain common-sense principles which govern them at home, not only in their private individual capacities, but as members of the community. Is there one of you, said he, that is dependent upon a market for the daily supply of your families, that would consent to give an exclusive privilege of furnishing that market with meats and vegetables, to one or two monopolists, or, in short, to any limited number? Would you not strenuously oppose such an arrangement, and, in short, do not the regulations of all your markets, strictly guard against such a monopoly, and even go so far as to prevent persons from purchasing any considerable quantity of articles, so as to materially affect the influence which a competition would produce? And, in the name of common sense, where is the difference in this case? The principle is the same. Principles are immutable. The effect in that case, were these regulations not enforced, would be to make you pay double for your supplies. The effect, in this case, will be the same. Would you deem it an argument against such salutary regulations, that a contrary procedure would certainly enrich the few sellers in your markets? Would not you, and the great mass of purchasers, feel indignant at the suggestion? But here, in this Hall, where wisdom is most needed, forsooth, it must be least used! The plain principles of common sense are here below our notice. We are too refined for these. We cannot condescend to use them. Nothing sublunary will answer for our purposes. We must have some splendid theory to govern us here!

Sir, said Mr. T., these fantasies should be expelled from these walls. They are only calculated, by heating our imaginations, to mislead our judgments. There is no essential difference in the two cases which I have just assimilated to each other. The subject to which you apply the principle for which I contend, is precisely the same in its character, only differing in extent—the one is a small community, the other a large one—the one is a city, the other a nation.

Mr. T. said, he confessed that he did not wish to see the manufacturing interest thrive to any great extent in this country, even if it could do so without the assistance of the Government. The history of England, and the little experience we have had in this country, serve to convince us that the benefit of such an interest is confined to a very few. They reach not the mass of individuals employed in the pursuit, but are confined to a few, a very few, capitalists. In fact, none but great capitalists can conduct the operations. Gentlemen may deny this; they may say that great means may be required, yet the combination of many individuals may furnish these. He would

answer them, by saying, these will always dwindle down in number to a very few, however numerous they may be at first. In fact, said he, a large number of persons is not calculated to manage any concern. It will always be the object to reduce the number of proprietors as low as possible, as who will confide in others as implicitly as himself? We all like to have as complete a control as possible over our own affairs. What is the consequence, then? The greater capitalists eventually monopolize the whole. Now, sir, said Mr. T., it is the policy of our Government to discourage every thing which has a tendency to limit the possession of wealth to a few; yet this evil has always attended manufacturing countries. He appealed to the present state of England—he appealed to our own country for the truth of the remark.

The owners of these establishments will be wealthy; but who are the persons who will perform the labor? Why, sir, a population more fit for the fœtid atmosphere of despotism than for this free country—a poor, weak, servile set, ready to go or come at the beck of each lordly proprietor; prepared to obey, in every particular, whether to weave a yard of cloth or give a vote at an election. A population, in short, as slavish, in reality, as the negroes of the Southern States. The gentleman from New Jersey (Mr. HOLCOMBE) appears to think differently. He seems to regard this class of the community with singular respect. He tells you that New England is, and has for some time past been, a manufacturing nation; he repels (what he deems) the foul aspersion cast upon a manufacturing community, and he points, as in triumph, to the achievements of the gallant Hull! Sir, said Mr. T., I fully sympathize with that gentleman in the feelings which he pours forth, and the admiration which he expresses in regard to this distinguished warrior. But, let me ask the gentleman, does he expect to find a Hull—does he expect to find a hero of this gigantic mould within the sickly circle of a manufactory? No, sir. He must look for him through the expansive fields of your agricultural community, or on the boundless wave of the ocean! Genius or valor must not be fettered by restraints, or circumscribed in action. Sir, I shall not attempt to depict the population which we should have in the event of our country becoming filled with manufactories. I shall not attempt to draw the contrast between those wretches with which gentlemen are proposing to fill this nation, and the other classes of their countrymen, the sturdy yeomanry, who, during our late contest, breasted the invasion of our enemy, and the brave and enterprising seaman who lighted up every sea with the splendor of your stars! Every one must see the difference which will exist—every one must see the degeneracy which will ensue. The preservation of individual independence among our citizens is essential to the continuance of our free institutions. If we have, as yet, in the Northern States, (and I am willing to believe it,) escaped contamination, it is only because the agricultural influence is happily still greatly predominant. This influence will daily, however, become less operative. The present state of the manufacturing class, in the largest manufacturing country in the world, affords of itself testimony, of this certain result, too powerful to be resisted. For my part, sir, said Mr. T., I could with pleasure witness the combustion of almost every manufacturing establishment as they may be erected. I might deeply sympathize in the loss of individuals. But the individual's loss would be the public's gain.

Mr. T. had another objection to the encouragement of manufactories. It is their interest to promote a war. A state of war is favorable to a more complete monopoly. They thrive most when the country suffers most. From the wealth of their proprietors, their influence over the Government and its measures, would be as dangerous as it would be extensive; and God help us, sir, said he, when a moneyed aristocracy (as a gentleman once forcibly remarked, on this floor,) is to "ride rough-shod" over our country.

Another effect of this system, is the influence which it will have in reducing our revenue, and in introducing direct taxes—oppressive in their effect, and odious in their character. Mr. T. said he must differ from some gentlemen, in regard to its influence upon our revenue. He was confident the calculations upon our revenue would fail, for he was sure the almost total exclusion of foreign articles must be the consequence. We must then resort to direct taxation; and, as the expenses of our Government are multiplying every year, we may expect to have a tax-gatherer daily spying upon the privacy of our dwellings. The train of evils, sir, will be great—direct taxation, serious injury to agriculture; the stagnation of our commerce, and the consequent destruction of our navy! These are evils which, (with due deference to others, who differ,) he could not think existed merely in his imagination. And are we, said he, prepared to encounter them? He could easily understand how an individual should sacrifice himself for the benefit of his country, but the doctrine was not a good one, in his view, which required a sacrifice of a country for individuals. Are we again, he asked—he emphatically asked—are we prepared to encounter these evils? Look at the extent of the public debt. It is a disgrace to our country, and a standing libel upon the economy of our Government. And do we ever expect to pay this debt by extending bounties to manufactures, and excluding the importation of foreign articles? If we do, said he, we must adopt a different kind of "sinking fund" from that with which we have been so long gulling the good people of this country.

Another objection to this system of bounties, or prohibition of foreign importations, (for it is all the same thing,) is, that the Government cannot secure to the object intended to be benefited, the benefit intended. You may give bounty upon bounty—the State governments will impose tax upon tax—and where is this to end? The consumers of the articles manufactured, have not only, therefore, to give the manufacturer a profit for his labor, and to defray the expenses of the General

Government, but they have also to support the expenses of the State governments. As fast as your General Government confers a benefit, your State governments sponge it up by taxation. The fact already exists. The manufacturing establishments in our country are already taxed by their respective State governments. The sooner, therefore, we retrace our steps, the better. I am not so certain that the manufacturing establishments in our country require the aid which is now asked. They have many advantages over foreigners. The raw material is cheaper, the expenses attending the shipping and unlading, and the freight, and insurance, are so much gain to them; and, besides this, the duties imposed for the support of the Government, (which are now greater than the revenue requires,) are added. These advantages, he thought, should be deemed sufficient; and so, indeed, he was informed, they were. I am told, said he, the manufacturing interest does not need any thing further from the Government; and I am led to believe that those who are now calling for assistance, have either local difficulties to contend against, or are too impatient to be rich, to await the slow progress of a gradual laborious accumulation of wealth. The husbandman must "toil and sweat" for his daily bread, and must be contented with a very moderate profit; but these gentry must, with a stroke of the political wand, have a mine of gold at once at their command! That some of these applicants for legislative aid stand in need of assistance, he could readily believe; and that many of them want capital and industry both, he could easily suspect; but he would reply to them as he would to any lazy beggar, who relies more upon the aid of others, than upon his own industry and enterprise—he would say, "go and work, and if one kind of employment will not support you, try another." If, however, he was not mistaken in this particular, and that the manufacturers generally throughout our country were to be regarded as petitioners for a further extension of favors, it proved them to possess a degree of modesty truly remarkable! Just after the war, they prayed for relief; they appealed to your sympathy, and assured you they only wanted a law of temporary operation in their favor. That was granted. They next asked a continuation of that law—that was also granted; and now, emboldened by their success, they ask you for a further encouragement in the shape of additional bounty! And this, too, when it is undeniable that, in all the establishments properly and ably conducted, the profits exceed those of any other description of labor in the country. He was credibly informed that such establishments yielded 7, 10, 15, 20, and even, in one instance, as high as thirty per cent! Neither the agricultural nor commercial interest of this country yields a profit of more than five per cent. The agricultural interest, in the quarter of the country in which he himself lived, does not yield *that*, and this is supposed to be the most thriving part of our agricultural community. He alluded particularly to the cotton planters on the seaboard of South Carolina and Georgia.

He really hoped that the Committee was not prepared to treat this present unreasonable application in any other manner than with marked disapprobation.

I am not, Mr. Chairman, said Mr. T., unfriendly to all manufactories. To those which furnished materials essential in a time of war for our national defence, I would extend every necessary protection of the Government. The general interests of the country are here concerned, and we ought all, therefore, to be willing to yield up something for their support. He would, however, draw a strong line of distinction between the essentials, such as powder, cannon, and arms of every description, and the mere necessaries, such as clothing and other materials of comfort, a scarcity of which might produce inconvenience, but could not be fatal.

Mr. T. here took occasion to remark that the statement made by the honorable Chairman of the Committee on Manufactures, (Mr. Tod,) of the comparative rates of the present and the proposed duties, was calculated to mislead a common observer. On a subject of such great national importance, and on which the feelings of the various parts of our country are so highly excited, he could not but think it wrong to produce such a statement as had been presented, under the direction of the honorable chairman, as a manual for the use of the House. The statement presents a view of the subject in three distinct columns, under three distinct heads, viz. "Present Duties," "Proposed Duties," "Rate of Additional Duty." Now, for example, said Mr. T., with regard to coarse woollens, one would naturally look under the third column for the "rate of additional duty." This is there given as "one-fifth," whereas, upwards of 90 per cent. will be paid. Under the head of "proposed duties," indeed, are to be found the words "and minimum price of 80 cents per square yard." But this is not sufficient; the calculation should have been extended out entire, and not in a partial manner.

If the omission was unintentional, the carelessness was culpable; and, if intended, it was uncandid, unjust, and highly reprehensible.

I have now, sir, said Mr. T., stated my general reasons against the bill before us. I have, however, some local considerations which weigh with me in strengthening my opposition to it. I must, therefore, intrude a few moments more upon the attention of the Committee.

The operation of this bill, sir, would be oppressive in the extreme upon the southern district of this country. I mean the slaveholding States. The articles which are most wanted by them, are those upon which the highest ad valorem duty is enfixed. I will instance coarse woollens and cottons, whose minimum value is made to bear particularly upon the character of goods needed by the Southern planter. Iron and steel, articles necessary for his plantation purposes, are also highly taxed—so, also, are cotton bagging and osnaburgs—the latter material being used by the planter for the summer clothing of his negroes.

Such, sir, is the tendency of the bill before

you; such will be its unjust pressure upon a portion of the country already greatly distressed. This distress is not imaginary. Of its real existence any gentleman can readily satisfy himself by casting his eye over the advertisements of any Southern newspaper. It is felt, and sorely felt, in every quarter, and by every class of agriculturists, in the South. We do not, said Mr. T., complain upon slight occasion. No, sir, the Southern States have never been querulous in their character. Whenever the national benefit has been the object, they have freely yielded up all that you have required. They went to war to protect from search the merchant vessels of the North—they went readily to war to protect the seamen of the North from British impressment. They could gain nothing local by the late war. The general national honor, and the local interests of the North, were all they yielded their treasure for—were all they bled to preserve. You heard no complaint during the war, you have heard none since, where the improvement of the public revenue furnished the only ground for imposing additional burdens upon them.

We have in the South no antipathy to the use of domestic articles. Furnish us with goods at the same price with foreigners, and the people will give you the preference. But it is impossible the Southern planter can ever afford to give you the price at which you offer at present to furnish your goods. To compel him, therefore, to buy at your market, is tyranny; and the taking advantage of his necessities to exact from him a higher price than the value of the article, is robbery; and robbery of the most impudent kind! What, sir, are we to have our property thus pitifully filched from us? Are we to be stopped, as it were, upon the public highway of our industry, and robbed of our little earnings? Will you adopt a system so fraught with distress to a whole country, to fatten a few monopolists? Are you prepared, by passing this infernal bill, to add to a poverty which is already wearing one portion of our country to the bone, for the purpose of supplying the appetites of a few pampered nabobs? Such a policy is disgraceful to a free people. It is inconsistent with our institutions, and will be destructive of our happiness. And is it thought that we will tamely submit to this treatment? No, sir, we cannot. By Heaven, sir, we will not! The principle of compulsion is abhorrent to the nature of freemen. We must buy at the market pointed out to us! Sir, said Mr. T., it is a tyranny which I pronounce execrable, which it would be disgraceful in us to submit to, and is disgraceful in others to attempt to inflict. Sir, said Mr. T., I cannot consent to become the victim upon which the greedy spirit of a moneyed aristocracy shall feed! No, sir, if I am to yield my liberties up, let it be to some man distinguished for superior genius and generous ambition, whose views are not confined to the sordid accumulation of wealth; let it be (if you please) to some foreign Napoleon, whose fame is decked with the splendor of a thousand victories? If I am fated to kneel before majesty, let me at least see something that I can admire; let me not have to bow down and humble myself before the "golden calf!"

Mr. Chairman, (continued Mr. T.) I will not trouble the Committee with any further remarks. If I have been deemed too warm, I hope my feelings will be attributed to an honest source. I view the system which gentlemen are attempting to establish, as subversive of the general interests of the nation, and as cruelly oppressive to some portions of our country. I regard it as not only impolitic, but tyrannical; and, where impolicy and tyranny are the prominent features of any bill presented to this House, I trust it will not be deemed incumbent upon any one to treat it with respect or forbearance.

I will close my remarks, sir, with moving to strike out the enacting clause of the bill now under consideration.

When Mr. T. had concluded—

Mr. A. SMYTH, of Virginia, said, he would consider the bill in relation to justice, to policy, and to the Constitution. And first, as to its justice. The States, as to certain objects, are united under one Government; as to other objects, they are independent of each other. They are independent as to the administration of civil and criminal law, with certain exceptions, and entirely so, as respects the management of agriculture and manufactures. The measures of this Government should be such as will promote the benefit of all. If you take from a part of the people their liberty of acting as they think best, for the profit and advantage of another part of the people, you will act unjustly. That portion of the population of the United States, the produce of whose labor is intended for exportation, whether it be cotton or lumber, tobacco or potash, or furs, and who purchase the manufactured articles which their necessities require, are interested to sell for the highest, and purchase for the lowest prices in their power. It is their interest that the foreign market shall be kept open to their productions, and foreign manufactures admitted, to supply their wants, on the cheapest terms. By prohibitory duties, such as some of those imposed by the bill, you prevent importations; and thus, foreign nations will be unable to purchase your exports. No nation can expect to be allowed to sell only, and not to purchase. Every nation must be content to barter; because no nation can support a trade with another, in which nothing is received but specie. If, then, you prevent importations of foreign articles, you deprive those who produce articles for exportation, of their foreign market; you confine them to the home market, where they must sell for less, and pay higher for the articles which they purchase, than they would have done, had you left commerce free. Sir, if you compel one part of the people to trade with another part of the people, and to sell for less, and give more, than the articles would bring if sold or bought in other countries, you treat them as it has been usual to treat the inhabitants of colonies.

It has been said, by the honorable Chairman of the committee who brought in this bill, that the people of one-half of this nation are in distress.

For that, said Mr. S., I am very sorry; but I cannot agree to relieve them by throwing their distresses on the other half. Let them make something for exportation; manufactures, if you please; but do not sacrifice to their interest, the interest of their more fortunate brethren. Surely they may compete with the foreign manufacturer, whose articles are charged with freight, insurance, mercantile profits, and duties imposed to produce the highest possible revenue. If our manufactures cannot bear a competition with foreign manufactures, thus burdened, their growth ought not to be forced. Let us have no hotbed plants; and confine our cultivation to those congenial to the soil and climate.

As to the policy of the bill. We may as citizens favor domestic manufactures; and I deem it commendable so to do; but here our duties are public; and we should pursue the interest of the nation, and of the Government. It will, I presume, be admitted that an entire suppression of foreign commerce would be a great evil; it would annihilate our naval power. Now, if the entire suppression of foreign commerce would be a great evil, I hold that every approach thereto would be a lesser evil. Would you have us neither to sell nor to purchase abroad? We will not be permitted to sell only; and our ships should be allowed to bring home foreign cargoes, or the necessary profits of the sailor and ship-owner will be too much reduced; and they will withdraw from the ocean.

It has been said that a measure of this kind will render us more independent of foreign nations. The only desirable independence is an exemption from foreign authority. He who can supply his wants by purchase or barter is essentially independent. You would not desire to be independent of the mechanic for the clothes you wear. The mutual dependence of individuals is a pledge of good will. The mutual dependence of nations is a pledge of peace.

Shall we sacrifice the revenue of the nation to the interest of a portion of the people? Shall we sacrifice the public to private interest? Shall we, by a power to raise revenue, destroy the revenue? Shall we sacrifice the objects committed to us by the Constitution, revenue, commerce, and the Navy, to an object which is not committed to us, and is never once mentioned in our grant of power? It would be political suicide.

If you destroy the revenue levied on commerce, for the benefit of the manufacturers, you should at the same time impose taxes to raise an equivalent revenue from manufacturers. If you destroy that portion of the revenue which arises from the importation of woollens, you should impose on the manufacture of woollens a duty to raise the same amount. I would regard the revenue as pledged for certain purposes, and object to its diminution. If any part of it is abolished, some other subject of taxation should be substituted to produce the same amount.

I will now consider whether the object of this bill is one which the Constitution authorizes you to effect.

Sir, I consider the committee who brought in this bill as an unconstitutional committee. Show me your authority to encourage domestic manufactures. You have nothing to do with manufactures but to pass a law for giving up runaway apprentices; and nothing to do with agriculture, but to pass a law for giving up runaway slaves. You have power "to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defence and general welfare of the United States." The power granted to you is a power to raise revenue for the purpose of executing your granted powers; not a power to impose taxes to diminish the revenue, thereby to encourage and protect domestic manufactures. If you levy taxes for any other purpose but to raise revenue *bona fide*, you abuse your power. You have a choice of subjects of taxation, but, in every tax, your object should be revenue. If, by the imposition of the duties necessary to the raising an adequate revenue, manufactures are encouraged, it is a beneficial consequence. The Convention who formed the Constitution, have never mentioned the subject of manufactures; yet, they had under consideration a proposition to give the General Government a controlling power over manufactures, which they appear to have rejected. [Here Mr. S. read some passages from the Journal of the Convention to show that such a proposition was, with others, referred to a committee; that several of the other propositions, which were referred with it, were inserted in the Constitution; but this was omitted.]

Mr. Smyth made some remarks on the prosperity of Venice, Genoa, Holland, and England, which he attributed to commerce, and the superior freedom of their institutions. He said we wanted no example of this kind. The prosperity of this nation had been unparalleled, without laws restraining commercial freedom for the protection of manufactures. He hoped that the enacting clause would be struck out, and the bill rejected.

Mr. Cambreleng, of New York, thanked the gentleman from New Jersey, (Mr. Holcombe,) to whom he had listened with great pleasure, for directing the attention of the Committee to the early history of this Government. In the proceedings of the Congress of 1789-'90, there were circumstances peculiarly applicable to the present question and to this discussion. We find the patriots of that day debating for days—nay weeks together, whether the duty should be five or seven and a half per cent. so cautious were they in legislating upon the essential interests of their constituents; so anxious to guard the rights and privileges of their fellow-citizens from unnecessary encroachment. At the present day, gentlemen talk familiarly of ninety and one hundred per cent. and of prohibitions! But the times are changed. The wise and deliberate legislation of other days is no longer in repute. We are unconsciously assuming magnificent attributes; fancying ourselves wiser than the ten millions of freemen, whom we represent, we boldly undertake, by abrupt and violent laws, to control and direct, at our caprice, their capital, enterprise, and labor.

He again thanked the gentleman for reverting to earlier times, for, since then, another important change had occurred in our legislation. The superintendence of commerce and manufactures was once confided to one and the same committee. In those times they marched hand in hand together. But now we have a Committee on Manufactures, which, not satisfied with the care of that branch of industry, with unsolicited liberality condescends to preside over, enlighten, and govern, the three great interests of agriculture, manufactures, and commerce.

Mr. C. said he would further direct the attention of the gentleman to the period when the encouragement of manufactures in this country was considered as incidental to the collection of revenue. In a revision of the tariff, the first object was revenue; the second, so to regulate it as to favor, wisely and moderately, the manufactures of the country. But now, for the first time, we are presented with a tariff, which, so far from having a view to revenue, aims a direct blow at some of its most productive sources. For the first time it is, with a full treasury, broadly proposed to tax the people of this country, for the sole purpose of fostering a few manufactures, and these acknowledged to be among the most flourishing branches of industry in the nation.

I regret, said Mr. C., that, while the gentleman from New Jersey was eulogizing the beneficial results of the restrictive system; admiring the splendid spectacles exhibited in foreign lands; and visiting, in his course, the numerous monarchies in Europe—I regret, that, whilst he was ranging the elevations of the Pyrenees, he had not for a moment rested upon the Alps; that, while he mourned over ruined republics, he had neglected to notice free and happy Switzerland. The gentleman had contrasted the policy of Spain and Venice. He had enlarged upon the present ruined condition of Spain; but he had omitted to tell us what had become of the wealth and power of desolated Venice!

The gentleman from New Jersey had particularly directed our attention to the splendid example England now presents to the world of the triumph of the restrictive system. The gentleman had altogether mistaken the origin of England's wealth and power, and he had omitted to tell us, that, through the agency of this very system, the wealth of the nation had been the more rapidly transferred from the mass of the people to the hands of a few; he had omitted to tell us that the weight of this artificial system, a system of excise and restrictions, is now pressing heavily upon the middle and poorer classes of the people of England. I trust, said Mr. C., that we shall never see this nation exhibit such an unnatural association of splendor, wealth, and power, with misery, want, and taxation. Yet, sir, notwithstanding these fatal, but necessary consequences of excise and restrictions, are we constantly admonished to look at England, and to imitate a policy, productive of all the evils which can afflict and subdue mankind. But, continued he, in relation to her wealth and power, had the gentleman marked the present condition of England, attentively; had he looked to the existing foundations of her wealth and power, it might have occurred to him that all the consequences of her system are not yet revealed. It might have occurred to him that this magnificent structure might vanish with the destruction of her artificial system, and leave her, on a larger scale, the picture of ruined Venice.

The gentleman from New Jersey, said Mr. C. has reiterated the *old* argument, (repeated yesterday by the chairman of the Committee on Manufactures,) that we are indebted to the tariff of 1816 for the ample supply and low price of manufactures.

Those who fancy themselves able to guide the destinies of nations, and to watch the approach of political storms with a prophet's eye, believe that there is some magic in their laws, and attribute to them alone the changes which are perpetually occurring in the industry of nations. Elevated in their views, they overlook the simple, natural, and manifest causes, which lead evidently to the results they perceive. Thus it is, that gentlemen, in this instance, overlook the facts, that the raw material has fallen from thirty-three to ten cents per pound; that the wages of the laborer have also diminished; while the genius of Arkwright has been gradually spreading its creative influence throughout the Christian world. This country was designed by nature, if ever country was, for this manufacture; the raw material is here in rich abundance, and the chief impediment to the prosperity of the manufacture had been removed, in the substitution of machinery for manual labor. He proceeded to observe, that the twenty-five per cent. minimum valuation of 1816, (whilst it created a monopoly, which Congress did not at that time intend,) was altogether needless as an encouragement to the manufacture. But, said he, uselessly or not, the minimum valuation had been adopted; the faith of the nation was pledged to the manufacturers for its continuance. He would be now unwilling to abolish it, but he should have been more unwilling to have established it originally. Its existence had a tendency to keep the manufacture from falling as low in price as it would without it; and the ten to twenty per cent. annual dividend upon the capital employed, is proof incontrovertible that capital is still flowing into that channel, and that the supply of the manufacture is not equal to the demands of the country.

But, granting all that gentlemen require—granting that the tariff of 1816 has produced, of itself, this result, as to cotton manufactures, with what propriety can they urge it as an argument in favor of a prohibitory duty on woollens and linens. Is there a prospect here of a like success? Has machinery been so entirely substituted for the labor of man in these manufactures? Have we the surplus population to authorize us to make the experiment? Have the manufactures of woollens and linens, in other countries, sprang up like the cotton manufacture as it were in a day, under the genius of Arkwright? No, sir, they are the slow work of time and experience. Before gentlemen

tax the people of this country with duties of fifty and one hundred per cent. they would do well to deliberate on the experiment they are about to make—on the formidable and permanent monopolies they are about to establish.

But, let us waive all argument for a moment, and call the attention of the chairman of the Committee on Manufactures to the bill itself, which is certainly at war with the very principles in which it is said to be founded.

The object of the bill, as expressed in the title, is "further to encourage certain manufactures." Is it to encourage the manufacture of cordage, that the chairman of the committee proposes nearly to double the duty on hemp, the raw material? Is this duty to encourage one of the most important and extensive manufactures of the country, the main stay of commerce and one of the great instruments of war? Is it to encourage manufactures that it is proposed to double the duty on lead? Next we have bar iron, midway between a raw material and a manufacture. In 1790, Mr. Hamilton doubted the policy of imposing any duty at all on this article. It is used as a raw material in the most extensive and valuable manufactures of the country; for all implements of agriculture and for ship building. Is it proposed to increase the duty on bar iron, to encourage these essential manufactures? It was unnecessary to go further into detail. He would, however, suggest to the chairman of the committee, the propriety of amending the title of the bill, that it might accord with its principles and provisions. That it might be entitled "A bill for the further encouragement of certain manufactures, and for the destruction of many."

And what, sir, said Mr. C., are those weighty causes which have produced this call upon the House, at a moment of profound peace, of general prosperity, and with a full Treasury, to tax the people of the United States, further to encourage branches of industry, the most flourishing and profitable in the country? We are, with prophetic gravity, informed that the country is on the verge of ruin; that exchange is against us; that our specie is rapidly leaving us, and that there is an alarming balance of trade. We are deluged with the essays of those devoted to the cause of manufactures, to persuade us that nothing but the intervention of Congress can save the country from approaching ruin. And these grave arguments were yesterday reiterated by the chairman of the Committee on Manufactures. This, sir, is not the first nation which has been ruined by these apparitions. These speculations on specie and the balance of trade are among the superstitions of mankind; they have occasionally, for two centuries, afflicted even statesmen with the most gloomy apprehensions. There is no novelty in the lamentations of the day. If the gentleman from Pennsylvania (Mr. TOD) is fond of such researches, he will find the originals in many a French and English quarto. France, impoverished, desolate, and wretched, at the close of the wars of Louis XIV., is supposed by one grave historian to have been brought to this verge of bankruptcy and ruin by the exportation of specie to the East, and the balance of trade! In Europe, and particularly in England, rapacious Ministers have, from time to time, made use of these superstitions to impose additional taxes on the people. Here they have been introduced to answer the purposes of personal ambition and individual interest. Their consequences might be fatal to our Confederacy; exciting an unnatural jealousy between the North and the South—between our fellow-citizens in the West, and those on our Atlantic border; creating perpetual hostility between brethren of the same great family, who should pursue their labors in harmony and fellowship. Mr. C. proceeded to observe, that it must be in some measure idle to speculate on the exchange between two countries, in one of which silver is the currency established by law; while in the other it is a mere article of merchandise. The existing premium upon specie bears no proportion whatever to the existing and nominal rate of exchange.

But our specie is leaving us. Gentlemen do not perceive that specie is performing eternal circles in executing the offices of trade throughout the world. They lament its departure from the country, but never inquire whence or how it came hither? They seem to derive no consolation from the knowledge, that the specie we have, whatever be its amount, was obtained through the agency of that commerce whose interests and rights this bill proposes to trample upon.

But the most alarming evil we have yet to notice—the balance of trade. It is unnecessary, said Mr. C., to fatigue the Committee with detailing the manifold errors of those who undertake to ruin the nation, through the frightful agency of this apparition; and he would leave it, with a remark or two. According to this novel system, we are debited with our imports, and credited with our exports. The entire value of the commerce of the nation is omitted in the account. And who, but one inspired, can estimate, with accuracy, the millions which commerce is annually adding to the wealth of this nation, through its labor, its freights, and its profits? Who can estimate the value of all these to the most enterprising of commercial nations? These millions, which it is impossible even to estimate, are annually added to the amount of our returns, and, according to the theory of gentlemen, augment the balance of trade against us. In a ratio to the increased activity and prosperity of our commerce, is this unfavorable balance of trade nominally augmented. Thus, by a singular perversion of all calculation, the signs of our prosperity are changed into alarming omens of approaching ruin to the nation. In years of peace and prosperity, this nation has always, in the aggregate, imported more than it has exported; and such must inevitably be the case with every nation, where commerce is worth pursuing.

But these, said Mr. C., were unprofitable speculations; and he should not have indulged even in these remarks upon them, but for the perseverance with which they had been again enlisted in

the debate. These are not the serious arguments against which we have to contend; we are called upon, said he, by an authority, and one which he highly respected, by the highest authority in the nation, to tax the people of this country with a system of restrictions, because, however wise in the abstract, other nations will not adopt the free system. What he deemed to be the error here, is not in this maxim, but in the application of it, as he would show, to the bill to which reference was made.

As this, continued Mr. C., is the boundary between the two parties, and as we here approach the point on which the question turns, he would ask the particular attention of the Committee. It was the more important, because the best interests of the nation depended upon a wise discrimination between two classes of restrictions, which gentlemen were perpetually blending together, although they were entirely different in their operations on industry.

Sir, said Mr. C., there are two classes of restrictions: the one, external in its character, and defence—the other, internal, and offensive. He was very far from contending against the propriety and wisdom of the first class. It is one of the great duties and attributes of every government, to watch over the interests of the nation confided to its care; and whenever a foreign government passes a law, or issues a decree, calculated to agitate the industry of our country, or to throw its capital or labor out of existing into new channels, it becomes our duty, as it is unquestionably our right, to meet such law or decree with rigorous and prompt restrictions. But gentlemen are bound to show us this foreign law or decree, when they call on us to perform this duty. Whenever they do so, we shall be ready to go with them hand in hand; we shall never be behind them in any measure truly intended to protect the industry of our country from injury, through the act of any foreign government. And now let us apply this well-established principle to the bill in question. What are its prominent features? A large increase of duties is proposed on iron, hemp, and woollens. Had the high authority, to which he had referred, communicated to the House the knowledge of any foreign decree or law, touching these articles? Has the chairman of the Committee on Manufactures the knowledge of any such decree or law? There is no such decree or law in existence. And yet we have been called upon to adopt these measures, which nothing but some such necessity could require or warrant.

Mr. C. then proceeded to show what were the laws of Russia, Sweden, and England, relating to hemp, iron, and woollens. Russia, said he, grants no bounty; she charges, whether wisely or unwisely, an export duty on hemp. Sweden grants no bounty, but charges an export duty on iron. The very reverse of the causes which should authorize counteracting restrictions. England grants no bounty on woollens; and there is no law or decree of England granting a bounty on any one article embraced in this tariff. The bounties on linens and glass are of ancient date; some as old as the reign of Queen Anne; and these the British Government would willingly abolish, but it cannot. But, even if it could be shown that a bounty was granted, he should contend it was for the benefit of this country, unless it was under a new act, and calculated to disturb some existing branch of industry in our own country. He again called on gentlemen to point out the foreign act or decree calculated to disturb any existing branch of industry in the country, and he, for one, should be ready to meet it. Such would be of an external character, and strictly within the province of the National Government, whose right and duty it was, he repeated, promptly to counteract every hostile movement of a foreign government.

But when a foreign people, without the assistance of their government, simply through the agency of nature, or from the experience of ages, from their wealth or population, are enabled to supply our wants at a cheaper rate than they can be supplied within our own country, it would, he submitted, be unwise in us, as legislators, to attempt the unprofitable experiment of creating or sustaining the home supply, through the instrumentality of restrictive or prohibitory laws. Here we leave the class of defensive and wise restrictions behind us; we reach the class of offensive and unprofitable restrictions. It is not upon foreign governments we make war; but we commence a speculative and blind warfare upon the knowledge, ingenuity, enterprise, and industry of mankind; and the expense of this experimental war we raise by heavy taxes upon our fellow-citizens. This is that famous system of internal restrictions, which favors some branches of industry at the expense of others, and capriciously transfers capital and labor out of existing into new employments; and this is the essential principle of the bill in question. Gentlemen should recollect that the industry of the country is at all times sufficiently agitated by the natural and political vicissitudes incident to nations, and that the abrupt transfers of capital and labor, the consequence of these agitations, ought never to be multiplied by legislation. Such is the experimental system—a system harmonious with the forms of European governments, springing from, and matured through a necessity for taxation.

But, said Mr. C., whatever may have been the system of practice of European monarchies in this novel mode of sporting with the rights and property of men, we should recollect that we are legislating for a confederacy of free States, associated for the purpose of common defence. He was not disposed to discuss the meaning of words, or to say much of constructive or incidental powers. He was aware that all Constitutional doubts were generally received by the House with levity. He regretted to see it; he regretted that, in the short term of thirty years, there seemed to have arisen an increased desire to enlarge the powers of the National Government. He would remind gentlemen, who were disposed to indulge in this magnificent scheme of Government, that, during the short period of our political existence, we had wit

nessed the growth of many incidental and constructive powers, of a gigantic form. He would warn those who were disposed to give this creative character to the Constitution to forbear, lest the weight of these mighty limbs should bear down the venerable trunk, from whence, we are told, they derived their origin. He believed with the gentleman from Virginia, (Mr. SMYTH,) that it was never contemplated by the framers of the Constitution to confer on this confederated Government the absolute power to make one section of the Union tributary to the other, or to bind the Atlantic States in a vassalage to those which might arise in the West. Had the broad principles now assumed been advocated in the Convention which framed our Constitution, we should not now be assembled to deliberate or legislate.

This is an untimely call upon the nation to make sacrifices for the benefit of particular branches of industry. The lamentations which we hear, are but the subsiding echoes of the calamities incident to war. Agriculture, manufactures, and commerce, were necessarily subjected to the agitations arising out of the former restrictions, the violent convulsions of our late war, and the abrupt transition from war to peace. When peace returned all were depressed; but all are now rapidly recovering under its genial influence, and the industry of the nation is gradually approaching that regular and settled character, which most contributes to the happiness and wealth of the nation. It is not necessary for us to disturb the people of this country, by furnishing new inducements to speculation and ruin. No revision of the tariff, at least on the principles recognised in this bill, is required by the country. We have been constantly changing and augmenting our duties during the last thirty years; this fluctuating policy is injurious to all classes. All that our manufacturers require is more uniformity and stability in legislation—the rate of duty is not so important as its permanency.

He trusted the Government would guard the rights and interests of every branch of industry in the nation; that it would ever continue what its framers intended it to be—parental in its character; and that it never would become, by an abuse of its powers, express or incidental, absolute and despotic.

When Mr. C. had concluded—

Mr. BURROWS, of Connecticut, rose and addressed the Chair, as follows:

Sir: I rise for the purpose of replying to some remarks that have been made by several gentlemen who have spoken against the bill now under consideration. The gentleman from New York, (Mr. CAMBRELENG,) who has just resumed his seat, has told you what passed in Congress in 1789, when engaged in discussing a similar subject. They spent days or weeks in deciding whether a duty of 5 or 7 per cent. should be laid on imported fabrics. If we are to judge of the merits of this bill, by comparing its provisions with the doings of Congress at that time, I think it would be proper at the same time to consider the relative situation of our country at that time, compared with the present. In '89, sir, we had but just emerged from a colonial degraded state. It is a fact, known to every gentleman of this Committee, that when we were under the laws of England, we were prohibited from engaging in any business that would have a tendency to render us less dependent on the mother country. We were, sir, at that time, under the necessity of importing the most of our clothing, and a great variety of other manufactured articles. Our population was small; we were destitute of artists, and also of most of the raw materials necessary. But what, sir, is our present condition? Has not our population greatly increased? It must be acknowledged, sir, that we now possess the most ample means to furnish ourselves with the most essential articles in common use, instead of importing them from foreign countries.

Sir, we can better understand what the views of our Government were at that early period, by referring to their public acts. When Congress sat in New York, under the Administration of that man who we all acknowledged was first not only in gaining, but maintaining our liberties, viz: WASHINGTON, it was ascertained, by a company in New York, engaged in the manufacturing of wool cards (which, at that time, was a great article of importation) that a sufficient quantity might or could be made to supply the market. A representation was made to Congress, with a request to lay a duty on that article, and that, with a view to protect and encourage our own manufacturers of that article. This request was granted. A duty was laid, amounting to a prohibition. The same protection was extended to those engaged in the manufacturing of hats. All this was done, sir, with a view to promote the best interests of our country, and these facts go to prove that Congress, at that time, entertained the views now entertained by the friends of this bill. The gentleman from Georgia, (Mr. TATTNALL,) has acknowledged the propriety or necessity of our making cannon, muskets, &c., and why does he concede this point? He tells you these are indispensable to the carrying on a war against our enemies. I will inquire of that gentleman whether clothing for our soldiers is not as essential as arms and other munitions of war. I think, sir, this is a given point. Then, sir, permit me to call the attention of this Committee to our situation when the last war commenced, and ask whether we could have sustained the war, or clothed our army and navy, without the aid of domestic goods? Was not Congress fully apprized of this circumstance? Under these views, did they not present every inducement to encourage our enterprising citizens to engage in business so indispensable to our existence as a nation? At the same time it was believed our Government stood pledged to protect those establishments against foreign competition in time of peace. Whether these men who thus confided in the Government for protection did realize what they had just cause to anticipate, I will leave to themselves to decide. Gentlemen who oppose this bill, say such laws are both impolitic and unjust. In the first place you would diminish or

injure your revenue. I think, sir, gentlemen will not contend this is a very permanent source to depend on for revenue; our experience, sir, has very recently tested this point. When we engaged in the last war every stream by which your Treasury had been replenished was at once dried up. You were reduced to the necessity of laying a direct tax, and of issuing a paper currency, which was thrown into market and sold at a great discount. If I am not mistaken, in some cases Treasury notes were put off at a sacrifice of 20 per cent. discount. Loans were made on the most disadvantageous terms for Government. And, sir, after resorting to every means, that our wisest men could devise, it was with the greatest difficulty that our Government could be supported, and that, sir, for the want of money, which is said to be the sinew of war. I well remember the time, sir, when a very dark cloud was suspended over our beloved country. For a time we were in awful suspense, as to the issue. Have gentlemen so soon forgotten those scenes of danger and peril from which we have but recently escaped? Are we, sir, in no danger of another war? Is any confidence to be placed in the friendship of foreign nations? Do they regard our rights, sir, in proportion to the benefits they derive from our intercourse or trade with them? No sir; permit me to say, those proud monarchs, now seated on their tottering thrones, watch you with a very jealous eye. The principles of liberty which have emanated from this land of freedom, and have become so disseminated through the nations of Europe, have not only aroused the fears, but have excited the jealousies and indignation of those tyrants who at this moment sway their iron sceptres over so many millions of men made to be free. These avowed enemies of liberty would not hesitate, were it in their power, to conquer your country, and deprive you of all your liberties. Mr. Chairman, I feel for my country: I am an American. I will contend, on this floor, sir, for what I understand to be our dearest rights. I would adopt such measures as would best comport with our safety and independence. But, sir, we are told, by passing this bill into a law, you will do great injustice to a large portion of the people of this country. Did I believe this, Mr. Chairman, I would not support the bill. I would be one of the last to deprive any portion of our citizens of their rights. Permit me, sir, in reply to this objection, to make some inquiries. I would ask, if laws of a similar character have not been passed to protect the planter? Is there not a very heavy duty on imported tobacco, on sugar and cotton? And yet, we are told, no protection is afforded to any others but the manufacturers.

Again, sir, permit me to ask the grower of wheat where he finds the best market for flour? Must he not say in New England? I will also inquire of the cotton planter if he has any better market, or even so good as at home, for as much of that article as is wanted to supply our factories? and does not that demand increase in the same ratio as factories increase? Indeed, sir, was not this the only market the cotton planter had in the late war? And, in the event of another war, this would be the case again. Sir, to me it is very evident there is a mutual interest between the manufacturer and the planter: By protecting and encouraging the one, you promote the interest of the other. The gentleman from Georgia has made use of very strong expressions. He says this is an infernal bill. He also tells you the people will not submit to such laws. I have no fears, sir, on this subject. The same gentleman has felt himself at liberty to speak in the most disrespectful terms of those inhabitants who live in the vicinity of or around those manufacturing establishments. He represents them as being a low degraded class of beings, and would seem to insinuate that they were hardly entitled to enjoy the least privileges. I must, sir, claim the right of disagreeing with that gentleman on this subject. I have the honor, sir, to come from a district of country where there is quite a number of such establishments. The people are so far from being what that gentleman represents them to be, that, indeed, they are quite the reverse. They are, generally, a sober, industrious, moral people, and, in my humble opinion, as honorable and deserving of esteem as those among whom the gentleman himself lives.

When Mr. B. took his seat, the Committee rose.

Mr. COOK, of Illinois, has the floor for to-morrow.

FRIDAY, January 31.

Mr. WILLIAMS, of North Carolina, from the Committee of Claims, to which was referred the bill from the Senate, entitled "An act for the relief of Samuel Walker, and others," reported the same without amendment; and it was committed to a Committee of the Whole.

Mr. RHEA, from the Committee on Pensions and Revolutionary Claims, to which was referred the bill from the Senate, entitled "An act for the relief of the legal representatives of James McClung, deceased," reported the same without amendment; and it was committed to the Committe of the Whole, to which is committed the bill for the relief of John Craine.

The Committee on Pensions and Revolutionary Claims were discharged from the further consideration of the petition of Eleazer Scott, and it was referred to the Committee of the Whole to which is committed the bill concerning invalid pensioners.

Mr. CAMPBELL, of Ohio, from the Committee on Private Land Claims, made a report on the petition of Joseph Vidal, accompanied by a bill for the relief of the legal representatives of Jacintha Vidal, Thomas Thompson, and Margaret Thompson; which bill was read twice, and committed to the Committee of the Whole.

The resolution of Mr. JENNINGS, submitted yesterday, calling on the Secretary of the Treasury, in relation to the collateral security obtained in 1821, for $168,453, deposited in the Vincennes Bank at the time of its failure, the character of such collateral security, &c., was considered and adopted.

Mr. RANKIN'S resolve, also laid on the table yesterday, requesting of the President information concerning titles and claims to land in Florida, was likewise taken up, and agreed to.

Mr. WRIGHT moved that the daily hour of meeting of this House be *twelve* o'clock, instead of *eleven*, as recently agreed upon; which motion was decided affirmatively—ayes 75, noes 39.

The future meeting of the House will be at 12 o'clock, M., until further order thereon.

On motion of Mr. LATHROP, the Committee of Ways and Means were directed to consider the expediency of enlarging the terms on which the Commissioners of the Sinking Fund, under the fifth section of the act, passed March 3, 1807, entitled "An act to provide for the redemption of the public debt," may purchase that portion of the public debt which will become reimbursable on the 1st day of January, 1825.

On motion of Mr. ALLEN, of Massachusetts, the Committee on Revolutionary Pensions were instructed to consider the propriety of placing the name of Benjamin Trim on the pension roll.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, containing the information called for by the resolution of the 24th instant, in relation to the seventh section of the act supplementary to an act, entitled "An act to regulate the collection of duties on imports and tonnage," passed the 20th of April, 1818, and in relation to an abolition of certain ports of entry; which letter was read, and referred to the Committee of Ways and Means.

An engrossed bill, entitled "An act for the relief of James Morrison, of Kentucky," was read the third time, and passed.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act for the erection of a monument over the tomb of Elbridge Gerry, late Vice President of the United States," in which they ask the concurrence of this House.

The bill was read twice, and committed to the Committee of Ways and Means.

The SPEAKER laid before the House a letter from the Comptroller of the Treasury, transmitting a list of balances standing on the books of the Fourth Auditor of the Treasury, which have remained unsettled, or appear to have been due more than three years, prior to the 30th of September last; which was read, and ordered to lie on the table.

NEW TARIFF BILL.

The House then again resolved itself into a Committee of the Whole on the state of the Union, on the bill providing for the more effectual protection of domestic manufactures, being the unfinished business of yesterday.

Mr. COOK, of Illinois, gave his views at considerable length, in favor of the proposed bill, on grounds of the general utility to the Union, of encouraging domestic manufactures, and the Constitutional right of Congress to make the contemplated arrangement of duties.

Mr. MALLARY, of Vermont, addressed the Chair as follows:

Mr. Chairman: I feel diffident in participating in this debate. It has been very clearly intimated that the question before the Committee could be understood only by those whose education was derived from the counting room. I feel embarrassed at the declaration which has been made, that no reliance should be placed on official statements of the condition of our agriculture, commerce, and manufactures. Although exact intelligence cannot, in all cases, be expected, yet, I must prefer the facts thus disclosed, to the opinions of any individual, however intelligent. If these statements are wholly fallacious, we might forever despair of arriving at truth.

The Committee are not now called upon to adopt a new principle in legislation. It is to decide whether good policy does not demand that further encouragement should be given to agriculture and manufactures. Measures have been heretofore proposed, to which I could never give my assent. It seemed to me that they would have destroyed those interests which they were intended to promote. It seemed to me, that not only commerce would have suffered, the revenue would have been in danger, but the manufacturing establishments themselves would have become the victims of legislative imprudence, had those measures been adopted.

That something should be done, appears to me evident.

I approve of most of the provisions of the bill before the Committee. They are moderate, and adapted to those important branches of manufacturing, for which this country affords the greatest facilities. Their effect must be mild—they can produce no convulsive shock among the different interests of the country.

The maxim, that individual industry and enterprise will naturally seek their own most profitable employment, has been most strenuously maintained by the opposers of the bill. It has been considered a law of nature which should be ever held inviolable. But it appears to me unsound, both in theory and practice. It has been exploded by this nation and by every other on the globe. If it is true, that individuals will ever devote their labor and industry to that employment which is the most advantageous, and in a manner the most judicious and profitable, it surely would be absurd to employ any moral or legal power to produce a change. The exercise of a moral power to divert industry from its natural and accustomed channels, is as much to be condemned in principle, as an act of legislation. The agricultural societies in every part of the Union afford evidence, that the doctrine of political economy, to which I have alluded, is abandoned in practice. What is their great and noble object? Is it not to divert industry from a course which it would pursue if left alone, and direct it to another course more advantageous? Is not public and private character—are not the sciences and arts all combined to change the objects to which individual industry is applied, or to improve the manner of its application? But if

the individual is the best judge, in all cases, of the object upon which he shall bestow his labor, all interference from any quarter must be erroneous. If enlightened individuals are capable of producing a salutary change in the direction of industry, may not the Government often interfere with advantage? Through the medium of commerce, the industry of one nation is necessarily affected by the industry of another. The extent of this must be better known to a vigilant government, than to the people at large. One nation may so regulate its own trade and industry as to operate to its own advantage and oppressively on another. In such case the government of the injured nation alone can afford protection. The industry of our own people ought to be preferred to that of other countries, in proportion as we esteem our fellow-citizens above aliens and foreigners. Such were the views of this Government, when it gave a decided protection to our navigation engaged in domestic trade. The interests of our people, and the character of the nation, were deeply involved in the policy. Had the rule been obeyed, that industry would, unaided, seek its most profitable employment, the flag of every maritime nation would be now seen waving in every harbor, bay, and inlet, in the Union. No American now demands a surrender of that policy, which secures to our citizens such inestimable advantages.

Sir, let me call to the notice of the Committee the protection granted to the grand staple of the South. Was industry left to itself when a protecting duty was granted to the growers of cotton? Did not Government assist them in changing the application of their industry from a most ruinous employment to one which has afforded them boundless wealth and prosperity? Are they not secure from all danger of competition?

The cotton factories of the East afford also conclusive evidence that Government may change the course of individual industry, and the most beneficial consequences follow. The temporary advance of price which might have followed an advance of duty, has been a thousand times balanced by the superior quality and subsequent cheapness of the fabrics.

The great mass of the people, particularly the laboring classes, become devoted to those pursuits to which they have been accustomed from early life. Some powerful motive must be applied to produce a change. An enlightened Government, keeping a steady eye on the policy of other nations, and watching with sleepless vigilance over the interests of its own people, can direct employment to new objects, and the most desirable advantages would inevitably follow.

We have often heard it repeated that manufacturers are a privileged class; that they may become an aristocracy in this country. If we confined the operation of the bill to those now engaged, some reason for the assertion might exist. But the object is to hold out equal and universal invitation to the people of the Union to engage with their labor and capital. No privilege is granted but what may be enjoyed by every American citizen. The effects must be purely democratical. Are we more in danger of aristocracy from a protection of hemp and iron than we have been from the protection of navigation—of cotton and tobacco?

Our past condition, Mr. Chairman, has been truly represented as deplorable. The cause is often declared to be found in the want of a proper encouragement of domestic manufactures. In this I cannot give my full concurrence. It may appear presumptuous in me to make the attempt to explain some of the causes of our past misfortunes and embarrassments. As they seem by many to have an important bearing on the question, I hope my efforts will be excused. Great and sudden changes in the policy of a commercial nation must ever derange the common pursuits of the people. The impression upon capital and industry is generally of the most destructive character. The effects of the restrictive system before the war are well remembered. War took place. Many branches of industry, adapted to a state of peace, were entirely destroyed. It gave existence to many adapted to the exigency of the times. Capital, engaged at home and abroad, was now devoted to some new employment. Government expended, during the war, about ninety millions, derived from loans and Treasury notes. This was principally added to the circulating medium of the nation. The number of banks was greatly augmented during the war. They overwhelmed the country with their paper. Hence, an enormous augmentation of currency. It gave property and labor a great, yet fictitious value. An universal spirit of speculation prevailed, while in many parts of the country the real substantial productive industry was impaired. At this period, the most extravagant investments of capital were made in manufacturing establishments. Almost every section of the country now contains the evidence of the most heedless waste of money. Credit was also used to its utmost extent. Skill, the moral engineer of industry, was deficient. The same observations apply to speculations in land, and almost every other kind of property. When peace returned, the affairs of the nation and individuals changed in a moment. The Government ceased to make expenditures as it had done just before. Industry, adapted to a state of war only, no longer found employment. The Government, in two or three years, collected and took out of general circulation near one hundred millions of dollars. Banks, without solid capital, failed entirely. Those which had capital diminished their issues in paper. A currency which overwhelmed the nation was reduced almost to nothing. The debts of individuals, more numerous and large than ever, remained undiminished, while labor and property of every description had almost entirely lost their value. The effects which we witnessed were natural, certain, and desolating. Manufacturers were involved in misfortunes common to all. It seems to me that the remaining wealth of the rest of the nation could not have saved them.

We have been often told that the extensive importations of foreign goods, during 1815 and 1816,

have augmented our distresses. They must have affected the manufacturers of the country in a great degree; and I believe it equally true that the Government and nation gained by them very important advantages. At this period, every member of this Committee well remembers the condition of Government. It was marching rapidly to a state of bankruptcy. Its revenue was exhausted, and the means of raising one did not exist.

It will be recollected that, during 1815, 1816, and 1817, the Government derived a revenue of nearly one hundred millions from imposts. The faith of the nation could never have been redeemed without its aid. Had prohibition of foreign goods continued, the consumer must have paid the difference between them and domestic fabrics. Whatever revenue the Government obtained, it must have been paid by the people, in addition to the difference between domestic and foreign goods.

We must also recollect, that many portions of the country sustained their share of the burdens of the war without any of its beneficial effects. Internal taxes would have been doubly oppressive to them, and not very welcome to the rest of the nation. Considering the deplorable condition of the nation at the period to which I have alluded, and a supply, providential in its time and amount, derived from imposts; the consequent benefits it afforded to the country, by enabling us to discharge a load of debt which was crushing the Government by its weight, the policy adopted previous to the present tariff, ought not to be hastily condemned.

The provisions of the tariff of 1816 are, with few exceptions, now in operation. When we reflect on the circumstances of the times, the unsettled state of public and private concerns, the countless interests involved, it seems to me a more prudent measure could not have been expected from human wisdom. Experience alone could determine its disastrous or beneficial effects.

Sir, since 1816, no great event has taken place, calculated to disturb the repose of the nation. Its industry and capital have settled down into their natural channels. We can now determine whether the welfare of the country demands a change of policy. Let me ask, is our condition prosperous and flourishing? Have we the means at command of supplying our wants? Have we the evidence of becoming more wealthy and more independent from year to year? I humbly solicit the Committee to give these questions an impartial examination.

I would first call the attention of gentlemen to the imports of foreign goods for six or eight years past. By a reference to the annual amount of duties, sufficient certainty will be attained to illustrate the point I have in view. It will show the relative increase or diminution of foreign goods consumed in the country. In 1815, the amount of duties on foreign goods was thirty-six millions. In 1820, it was twelve millions. Between these two periods there was an annual reduction of imports, with the exception of a single year. In 1820, the imports for consumption were about thirty-seven millions. This year gives the smallest amount. In 1821, they increased to forty-two millions; in 1822, they increased to sixty-eight millions. It is estimated by many that the demand is increasing.

Let me call the attention of the Committee to the consequences which must follow from these facts.

Had the decrease of imports been gradual to the present time, it would have afforded strong evidence that the wants of the nation were principally supplied by domestic productions. Little, then, would have been said in favor of an augmentation of duties. But the recent increase of imports from thirty-seven to sixty-eight millions, in the two last years, must excite the most serious reflections. What are the causes of these commercial changes? The real wants of the country have not diminished. They must naturally increase as population increases. Has it been owing to an addition of domestic supply that these changes have existed? It cannot be; for importations greatly diminished, as we have seen, for several years, until 1820, and from that time they have greatly augmented. Domestic manufactures have suffered no material change while these revolutions have taken place.

The excessive importation of foreign goods in 1815 and 1816 exceeded the demand at the time. The embarrassments which followed from a scarcity of money, and the depressed prices of agricultural products, caused the most rigid economy among all classes. The demand for every article which the consumer must purchase was diminished for the want of a market for property, and also for the want of credit. All confidence in individual credit had been lost or shaken by the desolating changes of the times. The affairs of the country have assumed a more regular course: credit is in some measure restored; public and private confidence improved; and the value of property less liable to dangerous fluctuations. The great interests of the nation, dull and profitless as they may be, have assumed some system of operations.

It seems to me proved, Mr. Chairman, by the evidence which I have presented, that the wants of the country are rapidly increasing beyond the reach of domestic supply. The deficiency of the latter must be derived from abroad. I will again impress on the minds of the Committee that great and important fact, the increase of our importations from thirty-seven to sixty-eight millions, in the short period of two years.

Let me ask, then, do our means of payment increase in equal proportion? To this point, it would give me great pleasure to draw the attention of the Committee. If we purchase from foreign countries, we should possess the means of payment. In what do they exist? Do we possess them? It is with more than common anxiety I call the attention of the Committee to this point.

The exports of every description of domestic products, in—

1820,	amounted to	$51,000,000
1821,	do.	43,000,000
1822,	do.	49,000,000

It is here most conclusively shown that our exports are stationary, while the imports of foreign productions have, during the same period, increased from thirty-seven to sixty-eight millions.

The consequences arising from these facts are such as are discovered by the least attention. Ten millions of specie have been drawn from the country in a short period of time. Nearly an equal amount of public stocks has also left the country; while our currency is diminished in an equal ratio, and a general stagnation of domestic business must follow in certain succession. Hence it is apparent, also, that, with all which foreign markets demand, with a vast amount of specie and public stocks, the credit of our merchants, and with it the credit of millions, is mortgaged to foreign nations. If we long continue as we have begun, payment is impossible, and insolvency must balance the account.

Gentlemen, I know, have often told us we must consider not only mercantile labor but the fur trade, fisheries, and all the collateral branches of commerce, when we attempt to ascertain the balance with the world. This is admitted. But, with all these allowances, it is not denied that, for some time past, the balance has been decidedly against us, and there is every prospect that it will continue. Now, Mr. Chairman, let me ask every member of this Committee, suppose we adopt a policy which would save to this country all the profits of these collateral branches of commerce and trade, would the nation be injured? Can any man, in the exercise of his reason, deny it would be highly advantageous to the country? Why then call to our aid all the profitable branches of business, to support that which, all must admit, gives only a destructive loss to the nation? It may be compared to the condition of a farmer, who takes the profits of a good plantation to support the losses of a bad one.

To another point of this interesting subject, I call the particular attention of gentlemen of the South. In looking to the exports of agricultural products, the following is the astonishing, and, to me, the unexpected, result:

We exported, of agricultural productions, in 1820 - - - -	$41,500,000
Of this amount, there was, in cotton alone - - - - -	22,000,000
1821 in all - - - - - -	$35,000,000
Cotton - - - - - - -	20,000,000
1822 in all - - - - - -	$41,000,000
Cotton - - - - - - -	24,000,000

Here we see the article of cotton alone, sent abroad for the four last years, amounts to a larger sum each year, than all the other varied product of agriculture exported from every quarter of the Union. In 1821 the value of cotton was greater by five millions. To this may be added the great and increasing quantity consumed by the American manufacturer. And again it must be remembered, that the people of the South are greatly indebted for these advantages to the protecting aid of Government. Their industry has not only been protected but encouraged, and they are now enjoying the rich reward of that policy which now meets with resistance.

Let me call to their attention the condition of agriculture in every part of the country, except the South. There is scarcely an article, except in the immediate vicinity of navigable waters, which will support its own transportation to market. The countries from which we receive our greatest supplies, are the most rigorous in their prohibitions of our productions. Can it be a matter of surprise that the people of the interior are solicitous to obtain some relief, some mitigation of the pressure of the present times? Can they expect us to fold our arms in apathy, and see ruin approaching with total indifference? Whatever we ask, we believe it is compatible with their interests, and would be beneficial to our own.

Mr Chairman, I have endeavored to show the extent of the demands for foreign productions, and the extent of the means by which they are to be attained. The wants of the nation must increase, and will its ability to supply them, hereafter increase, under the influence of the present policy? Do the prospects of futurity give us any encouragement? When will the foreign demand for our agricultural productions be improved? When can we look for more advantageous markets abroad? There is no hope of relief. I am sensible that we have been, and shall be again, told that the evil will correct itself. It is a kindred dogma with one which maintains that industry will always seek the most advantageous employment.

I am frank to confess, I have placed great reliance on its efficacy. I have been long waiting to witness the triumphant operations of its power. Seven years have elapsed since the adoption of the present tariff, and no one can feel gratified in the contemplation of the condition of the country. It is evident to all, under present prospects, that we must either fail to supply our wants and endure the privations of the usual conveniences of life, or use our credit to procure them, and become bankrupt.

It may be said, the imports of foreign goods for the year 1822, is only the result of mercantile speculation; that they will be greatly diminished for the year to come. This, I think, is to be doubted. But, suppose it to be true, what is the effect upon the American manufacturer? He sees, one year, a small amount of foreign fabrics in market, and exerts himself to furnish a supply. By the time he is prepared, the country is overwhelmed with foreign goods. Importations again diminish, and again the American manufacturer becomes the victim of an encouraging delusion. The effect would be a thousand times more dangerous than a constant regular flow of importation, and with these it seems impossible for the country to prosper.

Could I be convinced of the correctness of the remarks which have just been made by the honorable gentleman from New York, (Mr. CAMBRELENG,) it would afford great consolation. He has told us not to be alarmed at the idea that the balance of trade is against us. He informed us

that the greater the balance against a country, the greater must be its prosperity. I must confess that there is something so sublimely mysterious in this doctrine, that it may be dangerous to approach it. I am sensible that a nation may, for a time, increase in wealth when it imports more than it exports. Its labor and capital may be employed; the productions of other countries, which have been obtained on credit, may be employed to improve its condition. Forests are cleared; roads are made; canals constructed; cities built; public works erected; but we must remember that the day of payment will arrive. If foreign debts are suffered to remain from year to year; if they are suffered to accumulate, whilst the means of payment are daily diminishing, the most alarming dangers await it. The currency of the country is first exhausted—the domain itself must follow, and a general bankruptcy close the scene.

With a steady eye on the past and present condition of the nation, let me ask, if, for each of the two last years we had produced, in domestic fabrics, ten millions more than we have done, would the nation have been as deeply in debt as at this time? Let me ask again, suppose we had manufactured less than we have done by ten millions for each of the last two years, should we not have been much more deeply in debt abroad than we now are? Can any one pretend that our prosperity increases in proportion as foreigners become our creditors, and yet be supported by sound judgment and common sense?

But, it may be said that we should have been indebted to our citizens to an equal amount. This is not wholly correct; for the producer of domestic fabrics would have been the consumer, to a considerable amount, of those productions, which never could have found the way to a foreign market.

It is not denied that within little more than a year past, ten millions of specie have left the country. We are told that this fact should give us no alarm. It has paid an equal amount of debt, due by Americans to foreigners, and many suppose it a matter of indifference to whom it may have been paid. All must agree that the currency of the country, for many years past, has not been too great. Some sections of the country have suffered the most distressing embarrassments from its deficiency. Had the ten millions which have been sent abroad been employed at home, they would have changed hands a hundred times in the course of a year. They would have been distributed over the country, and perhaps thirty millions of debts would have been paid, and facilities would have been afforded to the employment of labor, and exchange of property, to the amount of millions besides. Here a vast difference is evident between money sent abroad and the circulation of it in our own country. In one case it pays but a single debt, in the other thirty; besides the activity which it affords to every kind of business.

By many it is considered that the amount of currency is not material; and the price of property will adapt itself to the quantity in use. But when it is considered that the people employ credit to a great extent, a fluctuation of currency will never fail to produce the most fatal effects. If ten thousand dollars will purchase no more to-day than five thousand will to-morrow, the condition of the debtor must be deplorable. His debts are not subject to fluctuation, whatever may be the state of the currency.

The present state of things operates upon the interior with oppressive power. The employment, agricultural. The currency, if sound, is obtained at the dearest rate. The present course of mercantile business absorbs it entirely. Whatever may have found its way to the remote parts of the country, hurries back to the seats of commerce.

The commanding object of our Government is to provide for the prosperity and happiness of all. Equal rights and privileges may be secured by the constitution and laws of a country, but equality of advantages may not always follow. If Government has the power, it is a duty of the most sacred character to promote that equality of condition and circumstances which may afford an equality of convenience and comfort to every class of its citizens, wherever they may be found. To accomplish these desirable objects, no measure seems to me so efficacious as one which assists every section of the country to supply its own wants. Manufactories, distributed in different parts of the Union, would equalize the advantages which the country affords. The people of Ohio or Vermont would be placed on equal terms with those on the seaboard, in procuring such conveniences of life as can be produced within their limits. The currency of the interior would become regular and permanent, for there would be fewer objects to obtain from abroad.

I do not, Mr. Chairman, carry my views as far as many have extended theirs, on this subject. Many believe we shall become, in a short period of time, the manufacturers for the world. And we have been presented with splendid pictures of wealth and grandeur, to be derived from that policy which has been, on this occasion, controlled by prudence and wisdom. The prospects of extravagant wealth in the Republic, can afford but little fascination. That grandeur which is acquired by riches must fade in the presence of that moral greatness, to which a nation of freemen should aspire. Give the people the means of supporting their civil, religious, and political institutions, with republican economy; of providing for the cultivation of the human mind; of improving, by sure and steady efforts, the condition of the country; of obtaining an equal competency of wealth by honorable exertion, and they will enjoy safety, happiness, and independence.

I have thus feebly assigned some of the reasons I entertain in favor of an augmentation of the duties on foreign fabrics. A moderate increase, only, should be required or allowed. If, in a moment of zeal and anxiety to promote the interests of the nation, as involved in the interests of a particular class, Congress should rashly invade the rights of navigation and commerce—should destroy the system of revenue, so highly valued by the people, feelings might be awakened which would overthrow all existing defence of domestic industry.

Will the navigation of the country be in danger, should the proposed measure pass? It is rather with a view of drawing the attention of gentlemen, better informed than myself, to this point, that I make the allusion. Is it not evident that our ships and vessels will have the transportation of all our productions which foreign markets will receive? Will our fisheries and coasting trade suffer? Importations of such articles as we cannot produce will augment as the consumption of the country increases. The navigation of the nation will have the benefits. Iron and hemp are articles more important to navigation than any other named in the bill. The average of iron, for each of the two last years, was about twenty-five thousand tons, and of hemp about nine thousand tons. A sudden prohibition would be universally injurious. No such effect is intended; the bill cannot produce it. It would be long before the domestic supply would be felt. In the meantime the demand would be supplied from abroad. Again, we must bear in mind, that increasing population will augment consumption, and retard any diminution of imports. Many other articles are embraced in the bill, the prohibition of which would scarcely be noticed by navigation; a gradual diminution of any would not be felt.

The effect upon the mercantile interest cannot be alarming. Should foreign commerce diminish, domestic commerce must increase. The merchant will always be engaged in the distribution of the productions of nature and art. A steady permanent trade must ever be desirable to that enterprising class of our citizens. It would seem, with any knowledge of the past, that the fluctuations of commerce cannot be rendered, by the bill, more frequent or more disastrous than they have been. It seems to me, that it would be less hazardous and more convenient, and as lucrative, to purchase iron from our own forges, as to procure it from Russia and Sweden; to purchase woollens and cottons from our own factories, as to obtain them from England and France. It is undeniable, that the increase of marketable productions in the interior, must very greatly facilitate mercantile operations, in those articles which all classes of people require, and which foreign countries alone can furnish. In the event of war, or commotions among foreign nations, domestic commerce pursues its way undisturbed. In 1821, we imported cotton and woollen goods to the amount of about eleven millions. In 1822, to the amount of more than twenty millions. The effect upon the revenue cannot be foretold with exactness, but it would appear reasonable to suppose that it cannot be serious for a considerable time to come. Coarse woollens would soon be produced; the finer kind would continue to come from abroad. The same may be said of cottons. The increasing consumption of the country will enlarge the demand of the finer fabrics.

By the bill ten per cent. is proposed to be added to the present duty on silks and linens. For two years past we have imported, on an average for each, $7,500,000. These will not be produced in this country, to any considerable extent, for a great length of time. Custom, habit, and fashion, continue to give them an extensive demand. Much will, therefore, be added to the revenue by this proposed advance of duty. The production of iron and hemp, and manufactures derived from them, will advance by slow degrees, and the additional duty will make compensation for the diminished importations which may follow.

Teas, wines, sugar, coffee, salt, and spirits, and a great variety of other articles, will not be affected. The annual demand for these must increase.

By improving the condition of the interior of the country, by adopting measures to increase the means of the people to purchase the conveniences of life, in the same proportion the demand for them will be augmented. Let me also observe, that the expenses of Government need not increase in proportion to our population. All its branches must be as complete, all the Departments must be as well arranged for ten millions as for thirty. No danger, therefore, exists of a decrease of revenue.

Objections are made to the bill, because it is supposed that it would prove injurious to the poor. They cannot apply to the duty on silks. Foreign linens are but little used in the interior. Household linens and domestic cottons have taken their place among those in low and moderate circumstances. The rich will alone be affected by an additional duty. A temporary effect may be produced by the proposed duty on coarser woollens. It might, for a time, raise the value in the markets. Should, however, the bill pass, the country manufacturer would instantly engage to furnish a supply. A vast quantity of the raw material is said to be in the country, and much more would be readily created. I have no doubt but that an abundant supply would flow into the market before the present stock would be consumed. The farmer will engage in producing the raw material, the manufacturer would give additional employment, and the country merchant will find a great augmentation of the means of remittance to his city creditor for those articles which the country does not produce.

The importance of iron and hemp, to the nation has been most forcibly illustrated by the honorable chairman on Manufactures. The West and North can produce them in the greatest abundance. The facility for inland transportation is daily improving. They can be distributed with economy and convenience. So far as iron may be considered as a raw material for lesser productions, which are required for general use, the additional duty will not be perceived. Nothing would more readily awaken industry among the inland parts of this country, or give more activity to inland trade and commerce, than a moderate encouragement to this important article. It would compensate, by an hundred fold, the inconveniences to be experienced by all the other sections of the nation.

I hope, therefore, Mr. Chairman, that the motion to strike out the first section of the bill will not prevail. I have the fullest confidence that the

general good of the country requires the adoption of its principal provisions.

When Mr. W. had concluded.

Mr. Rhea, of Tennessee, said the bill under consideration declares itself to be a bill for the more effectual encouragement and protection of domestic manufactures.

When I speak of domestic manufactures, said Mr. R., I desire it to be known that I understand by the term "domestic manufactures," as used in this bill, the manufactures of woollen, of cotton, and of other articles, which are carried on by manufacturing establishments in the United States. And, that I do not include within the term "domestic manufactures," as used in this bill, the manufactures of woollen, of cotton, and of linen, and other articles, which are and can be made in and by families in the United States. The manufactures in and by families, are the manufactures which will continue the greatness and independence of the United States, and, therefore, they merit every protection and encouragement. We have, said Mr. R., been frequently told that the manufacturing establishments will, in time of war, supply articles which cannot be imported, and, therefore, they ought to be protected; that may or may not be; but if war shall come, let proclamation be issued by the proper authority to the people of the United States, generally, that the United States desire to purchase any quantity of woollen and of cotton cloths, and of linen and other articles of family manufacture; and let six months' notice be given, and then the proper national industry in this particular, will exhibit what it can do; and before the end of the time limited for purchasing such manufactures, millions of yards of woollen, of cotton, and of linen cloths, manufactured in and by families, will be presented for sale to the purchasing agent of the United States.

The eighth section of the first article of the Constitution of the United States provides "that Congress shall have power to lay and collect taxes, duties, imposts, and excises; to pay the debts, and provide for the common defence and general welfare of the United States; but all duties, imposts, and excises, shall be uniform throughout the United States."

This is the part of the Constitution that gives power to Congress to enact laws providing a revenue to support and maintain the rights, privileges, and powers, of this nation in its corporate capacity.

The object of that power is declared to be "to pay the debts and provide for the common defence and general welfare of the United States."

The Convention which formed the Constitution did know that, at that time, the United States were in debt for the expenses of the Revolutionary war; and, also, that, by the operation of imperious causes, they afterwards might be obliged to incur debts; the Constitution, therefore, gives power to Congress to lay and collect taxes, duties, imposts, and excises, to pay the debts then existing of the United States, and which thereafter might exist. That Constitutional power extends further, and declares that Congress shall have power to lay and collect taxes, duties, imposts, and excises, not only to pay the debts, but also, to provide for the common defence and general welfare of the United States; hence it is inferred that the Constitution gives power to Congress to lay and collect taxes, duties, imposts, and excises, for the purpose of raising revenue to pay the debts, and provide for the common defence and general welfare of the United States, only, and for no other use or purpose whatever.

The words "to provide for the common defence and general welfare of the United States," may appear to be a grant of power separate and distinct from the power given to lay taxes, duties, imposts, and excises, to pay the debts of the United States; but that construction does not follow from the terms used. Money is that wherewith Congress can provide for the common defence and general welfare of the United States, as also to pay the debts of the United States; and, to obtain that money, Congress have power to lay and collect taxes, duties, imposts, and excise. To pay the debts of the United States, is to provide for the general welfare of the United States—unless it can be made to appear that a national debt is a national blessing. The United States are now paying, annually, about five millions of dollars for interest on the principal of the national debt. Let us, said Mr. R., provide for the general welfare of the United States by paying that debt, and then we will have the five millions of dollars ready to be used in providing further for the common defence and general welfare of the United States. Any project, scheme, or measure, that does diminish the revenue of the United States, goes to prevent the payment of the debt of the United States, and also to prevent the adoption and completion of measures deemed necessary for the common defence and general welfare of the United States, and ultimately operates to force on a system of internal revenue, consisting of direct tax and excise, such as was in time of the late war. To the existence of such internal revenue, I (said Mr. R.) am opposed, in time of peace; and, therefore, I am opposed to the bill under consideration, because I believe that, if it shall become a law, it will produce a blasting and destroying effect on the revenue of the United States.

The power granted to Congress "to lay and collect taxes, duties, and imposts, and excises, to pay the debts, and provide for the common defence and general welfare of the United States," may appear to be a general grant of power, without limitation. On this rock some of our predecessors, said Mr. R., heretofore struck and foundered. Let us not do so; to deprive the individual States of this Union of all power, and to complete a consolidation, the convention who made the Constitution did not intend. A grant of general or unlimited power is not given by the words alluded to; it is limited to specific particular powers, stated and enumerated in the several subsequent clauses of that section. Whether any of the particular powers, in that section mentioned, have been transcended, is not now, but hereafter may be, a subject of consideration. The last part

of the first clause of the eighth section declares, "but all duties, imposts, and excises, shall be uniform throughout the United States;" hence it is inferred, that, if duties, imposts, and excises, shall be uniform throughout the United States in principle, they shall also be uniform in operation, and opposed to monopoly acting against the general welfare.

It is remarkable that the word "taxes," used in the beginning of that clause of the eighth section, is omitted in the last part thereof: "Congress 'shall have power to lay and collect taxes, duties, 'imposts, and excises; but all duties, imposts, and 'excises, (omitting the word 'taxes,') shall be 'uniform throughout the United States." Why the word "taxes" was so omitted need not now be inquired; the time may come, and may not be far distant, when manufacturing urgency will make the inquiry necessary, and compel a return to first principles; but it may here be observed, that, whether a system of direct taxation can be provided that will act uniformly over all parts of the United States, may, with good reason, be doubted; when a system of direct taxation is attempted to make up for deficiency in revenue, reduced by manufacturing protection, the will of the sovereign people of the United States will be made known—it will be declared.

To pay the debts of the United States, appears to be the first object intended to be effected by the power given to Congress to lay and collect taxes, duties, imposts, and excises. That is the primary object in time of peace. That the time of peace is the time to prepare for war, is, almost, in the United States, become a maxim and proverbial. What shall that preparation be? The maxim specifies not the preparation, and therefore is not conclusive. But in what manner shall that preparation be made? Congress has power to raise and support armies, and to provide and maintain a navy. Will it be said that Congress, by these grants of power, ought to raise and support a large army, and to provide and maintain a powerful navy, to be prepared to meet a war that may or may not be fifty years hence? With what nation of Europe have the United States a prospect of war? Let him, who can, answer. The grand object of the United States, in time of peace, ought to be to redeem the debt.

The payment of that debt is the best preparation of war; that payment ought to be as soon as possible; preparation for war cannot be made without a revenue commensurate. The debt of the United States cannot be paid without an adequate revenue. The United States receive revenue from duties and imposts on foreign merchandise imported into the United States, and from tonnage, passports, and clearances. The revenue arising from sales of public lands, and other temporary branches of internal revenue, is very little, when compared with the revenue arising from customs. Any scheme to restrain commerce, will, to a certain extent, be injurious to agriculture, in respect to export of surplus produce, and will affect commerce with foreign nations, by the operation of a restrictive system, excluding articles of foreign produce or manufacture from the United States. Agriculture is the first and great business of man; he was driven out and commanded to cultivate the earth, and to obtain his bread by the sweat of his brow. Agriculture is truly and properly national industry; it gives bread to all, and is the great source of wealth. Congress shall have power to lay and collect taxes, duties, imposts, and excises—to raise a revenue adequate to pay the debts and to provide for the common defence and general welfare of the United States, as provided for, and specified in, the eighth section of the first article of the Constitution; but the Constitution does not declare that Congress shall have power to lay duties, imposts, and excises, so high, that no duties, imposts, and excises, will be collected in support of the revenue of the United States.

The eighth section of the first article of the Constitution gives power to Congress "to regulate commerce with foreign nations." That grant of power does not give existence to commerce, but presumes that it does exist between the United States and foreign nations, and, therefore, power is given to regulate it. A power to regulate commerce with foreign nations, is not a power to destroy commerce with foreign nations by high duties. At the time of making the Constitution, the United States had extensive commerce with foreign nations, and the power granted to regulate it must be presumed to have been granted for the purpose of preserving, enlarging, and extending commerce with all nations. The object of the bill under consideration appears to be to restrain commerce with foreign nations, by fixing very high duties on articles the produce or manufacture of foreign nations, to their exclusion from the United States, and thereby going to defeat the object intended to be effected by the operation of the power to Congress to lay and collect duties, imposts, and excises—to pay debts, and provide for the common defence and general welfare of the United States.

The ninth section of the first article of the Constitution provides that "no tax or duty shall be laid on articles exported from any State." The Congress of the United States is, by that section, prohibited from laying an exportation duty on any article exported from any State. That prohibition of an export duty is favorable to the agriculture of the United States; an export duty would act on the price of the product of agriculture, and affect the profit arising therefrom, and eventually lessen the quantity of surplus agricultural produce. That prohibition is favorable to the commerce of the United States: the greatest quantity of surplus produce can be exported on the best possible terms; more ships and vessels will be required, more seamen will be employed, and the commerce of the United States will be annually increasing, and, under wise, just, liberal, and favorable regulations, will give a revenue, arising from customs; that is, from duties on merchandise imported, and on tonnage, passports, and clearances, adequate to the timely payment of the debt, and to provide for the common defence and general welfare of the United States, without

the aid of direct tax or internal revenue of any description. If commerce is destroyed by high duties on imported articles, and the revenue arising therefrom shall cease or be diminished, a system of internal revenue will have to be adopted to supply the deficiency, or whatever sum or sums of money may be necessary to support the Government.

The act of the third of March, one thousand eight hundred and fifteen, provided, "That so 'much of the several acts imposing duties on ton-'nage of ships and vessels, and on goods, wares, 'and merchandise, imported into the United States, 'as imposes a discriminating duty on tonnage, be-'tween foreign vessels and vessels of the United 'States, and between goods imported into the Uni-'ted States in foreign vessels and vessels of the 'United States, be, and the same are hereby, re-'pealed, so far as the same respects the produce or 'manufacture of the nation to which such foreign 'ships or vessels may belong. Such repeal to take 'effect in favor of any foreign nation, whenever 'the President of the United States shall be satis-'fied that the discriminating or countervailing 'duties of such foreign nations, so far as they 'operate to the disadvantage of the United States, 'have been abolished." That law was enacted in pursuance of the power granted to Congress to regulate commerce with foreign nations—that law is bottomed on the divine command of "doing to others as we would that they should do to us." The object of that law is to establish between the United States and other nations, a general system of commercial freedom. The nations are one great family, and, however separated, or by what rules and forms respectively governed, their object in commercial pursuits is the same. Every nation has something to barter or sell for money, or for the produce or manufacture of other nations. Freedom of commerce unites nations, and goes to abolish systems of restriction, frequently producing war. That law, of the 3d of March, 1815, may now, with propriety, be said to be a law of nations; it has been carried into effect with the kingdoms of the Netherlands, Sweden, with Hamburg, Bremen, Lubec, and Oldenburg, and with Great Britain and France. The commerce of the United States, with these nations, does now rest in peace and prosperity; any restrictive measure may disturb it, and produce effects very injurious to public good.

The United States, during the Administrations of the late Presidents, Mr. Jefferson and Mr. Madison, and of the present President of the United States, have, by revenue arising from the operations of agriculture and commerce, (for other sources of revenue have been small, compared with that arising from commerce,) has been enabled to redeem prodigious sums of money of the public debt; to raise and support armies; to provide and maintain a navy, which, although not large, is formidable; to provide munitions of war, and to carry on and terminate successfully, the late war with Great Britain; and to support the Government in its various departments. This splendid, magnificent Chamber, in which we legislate, said Mr. R., is indebted to the operations of agriculture and commerce, for its existence. Contemplate the cities in the United States—to what source do they owe their existence? To the active operations of agriculture and commerce. The energies of agriculture and commerce have raised this nation to the high grade in which it now is, among the nations of the earth.

But, suppose, said Mr. R. that this "bill for the more effectual encouragement and protection of domestic manuafactures," that proposes to raise the duty on all manufactures of wool, or of which wool is a component part, to thirty per centum ad valorem, and also to raise the duties on several other articles, in proportion, shall become a law, and that this business of encouragement and protection is persisted in, until commerce, if not altogether, is nearly driven from the United States, and recourse is forced to be had to internal revenue—that is, to direct tax and excise, of every description, to the amount of ten millions, or twenty millions of dollars annually—will the people of this nation patiently submit? Let it be remembered, that they are the sovereign, and that they can compel the administration of their Government in such manner as will best secure their interest, ease, and happiness, and will be most effectual to pay the debts and to provide for the common defence and general welfare of the United States.

Mr. Baylies, of Massachusetts, said, that he did not rise for the purpose of entering at large into the discussion of the merits of the bill, but merely to offer some desultory remarks, principally for the purpose of explaining the reasons of the vote which he should feel himself bound to give on this question.

I am, Mr. Chairman, (said he,) opposed to the proposition to strike from the bill its enacting clause, which, if it prevails, will destroy it. I am unwilling to say, upon this floor, that I am hostile to a system of protection and encouragement to the domestic manufactures of our country; and yet I am as much opposed to some of the provisions of the bill, as I am to the motion of the honorable gentleman from Georgia. This may seem inconsistent, yet I trust that I shall be able to reconcile this apparent inconsistency. I listened yesterday with pleasure to the gentleman from Georgia, (Mr. Tattnall.) I admired his intelligence, I admired his spirit; but, I did think that the vividness of his imagination carried him too far. He presented to our view a sombre and terrific picture, without a solitary tint of sunshine to relieve its gloom; it was a picture delineated by the hand of a master, but it did not present a correct likeness. I say, sir, that manufactories are not the nurseries of profligacy and of vice. For the last twelve years of my life, it has been my lot to have lived in the midst of a manufacturing population, and I can say, from my own observation, that the tendency of the manufacturing system, so far from demoralizing the manners, and promoting the growth of vice, has been directly the reverse. The course of steady industry which is necessary to the existence of manufactories establishments, has sobered the profligate, and re-

claimed the votary of dissipation. Indolence is the mother of all the vices; the systematic labor of a manufactory affords no indulgence to indolence.

From this system an improvement in morals, instead of a deterioration, may be rationally expected. Neither, sir, do I entertain any apprehension of the overwhelming power of that moneyed aristocracy, about which the gentleman from Georgia is alarmed. The laboring manufacturers are not the servile dependents of the rich proprietors; so far from it, the proprietor is rather dependent upon the laborer. The laborer submits neither to insult, or to injury from the proprietor; if he dislikes his treatment, he has only to say to the proprietor, "pay me my wages, and I will seek employment elsewhere," and the doors of hundreds of these establishments are open to receive them. But, as much as I am attached to the manufacturing interest, I will never consent to give to that interest any thing more than reasonable encouragement and protection. I will never consent to protect that interest at the expense, and to the injury of the agricultural interest. I will never consent to cripple our commerce for the sake of building up our manufactories; yet, sir, I think that these interests are not necessarily discordant; I think some plan may be devised, which, without injuring either, may benefit the whole; it is, therefore, with the hope that some material alterations may be made in this bill, that I am induced to give my support to the principle which it contains. If some of its provisions remain as they are, I cannot eventually vote for it. I will call the attention of the Committee only to a few of the articles on which an increase of duty is proposed, and I do this partly with a view to elicit information. Acting upon the information which I have, I am prepared to say that I am totally opposed to increasing the duty on coarse woollens to the enormous amount which the bill proposes, nearly 100 per cent—a duty acknowledged to be prohibitory. I am opposed to it, because I think it will bear heavily upon the manufacturing interest itself, particularly upon the laboring manufacturers, who compose, numerically, by far the greatest proportion; it will bear heavily upon those who labor upon the land, upon the mechanics, and upon the seamen; all these different descriptions of people must be clad in coarse woollens during the greater part of the year, and they are the very people upon whom additional burdens ought not to be imposed. The honorable Chairman of the Committee of Manufactures has instanced the wonderful operation of the present tariff, in excluding coarse cottons from domestic markets. Of the correctness of his representation I have not the least doubt; and, from the success which followed the adoption of that measure, he would infer, that consequences equally beneficial would follow a similar measure for the protection of woollens. I cannot admit that the cases are analogous; there was a capacity in the country to manufacture enough of the coarse cottons to supply the demand; the raw material was grown in the country, it was abundant, and it was cheap, and the cotton mills were numerous. It is not so with woollens. If the capacity existed to supply the coarse woollens; if enough could be thrown into the market to meet the demand, it would then become a question of national policy whether we should or should not prohibit. As it is, I do not believe that the wants of the country can be met by the domestic fabrics. I do not believe that the woollen establishments are sufficiently numerous, or that the quantity of raw material is sufficient for that purpose. Almost every ounce of wool which is shorn in the country is used in the country. My honorable friend who sits near me, (Mr. HARVEY,) has a statement from the Treasury Department, from which it appears that only between two and three thousand pounds of domestic wool had been exported, and that upwards of 1,730,000 pounds of foreign wool had been imported during the last year. In my opinion, not one-half, (perhaps not a third,) of this quality of cloths, cloths which are absolutely necessary for the comfort and the health of the people, can be supplied from domestic sources. From the imposition of this high duty, these consequences then will follow, the revenue may be in some degree benefited; but foreign coarse woollens will not be excluded, for the best of reasons —they cannot be excluded—for the people must be clothed; the price of the domestic fabrics will be increased, and an indirect bounty will be paid to the domestic manufacturer by those classes of people who are least able to pay, and at a time when his profits are fair, and when his business is thriving. I am also opposed to the increased duty on iron. Iron may be considered, in some degree, as a raw material. The gentleman from New York (Mr. CAMBRELENG) said that it stood midway between a raw material and a manufactured article. I think it is nearer to a raw material than to a manufactured article, for the processes which it undergoes after it gets into the bar, to bring into nails, &c. are more laborious than the very simple process of bringing it from the ore into the bar. An additional duty on this article might possibly operate against the general manufacturing interest. The greater manufacturers of iron from the bar into nails, and other articles, will be benefited, inasmuch as they have generally large quantities of iron on hand, and frequently some two or three cargoes engaged on contract, to be delivered within a specified time, and at a certain price. The price of articles manufactured from bar iron, principally nails, will rise in the exact ratio of the increase of duty; the supply of nails is now about equal to the wants of the country; all that are made can be sold.

The moment this bill passes, (if it passes in its present shape,) the richer manufacturers will realize a large profit from the rise of the article, (in case they have it on hand, or in case they have it engaged on contract.) Their regular profits being a certain per centum on the cost and charges, and the additional duty being added to the cost and charges, they will realize a still further profit, exclusive of the profit which they im-

mediately derive from the addition to the market price of the article created by the additional duty. If foreign iron be excluded from our market, then a few iron-masters, principally in Pennsylvania and in New Jersey, will undoubtedly be greatly benefited. If they can monopolize the domestic market, their profits must be enormous; but they will be benefited at the expense of the whole people, for an article of prime necessity; every man must have nails, and must have almost all the articles which are manufactured from iron; but, whether foreign iron be wholly or only partially excluded from our markets, the same consequence will follow—the benefits will be to a few, a very few; the tax, or indirect bounty, for such in fact it is, will be paid by the whole nation; and the chance is, that the revenue will not be increased, if it be not diminished. Two classes of people will be directly and injuriously affected—shipwrights, or rather master-builders, and merchants. Ships are generally built on contract; the builder contracts to do the iron work; his contract may have been made, and no iron bought; the price of iron will rise the moment this bill passes, and the ship manufacturer (if I may use that expression) will be taxed with the difference of price. The ship owner must certainly be injured to the amount of the enhanced price of the iron which his ships require, to say nothing of the general injury to trade, &c. With respect to paper, I am of opinion that the duty ought to be increased, perhaps, to a greater amount than the bill proposes; not, Mr. Chairman, to protect the American against the English manufacturer—English paper was driven out of the market by the operation of the existing laws—but, sir, it has been represented to me (whether truly or not I cannot say) that Americans have gone from the city of New York to Italy, erected paper mills there, or leased mills which were already erected, purchased rags on the spot for almost nothing, employed Italian artists at a low rate, carried their moulds, &c. from this country with the express design of manufacturing for the American market—that they have sent home their paper, of wretched quality indeed, but which commanded a quick sale by reason of its low price, (like the flimsy cottons of India, low priced, but not cheap.) At one time the New York market was completely glutted with this miserable paper; the domestic manufacturers were compelled, for a while, to stop their mills; their paper was completely excluded. If this story be true, if the shops of this country are filled with this stuff, bearing the name of paper; if the domestic manufacturers are, in consequence, compelled to suspend their labors, it would certainly be sound policy to give some additional protection to domestic paper. We can be supplied from our own mills cheaper than from Italy, if the low quality of the Italian paper be taken into consideration. Lead, also, I think, ought to be protected, because our country can abundantly supply that article from our own mines. Leghorn straws, I think, might bear a higher duty than that proposed in the bill. As to hemp, I confess that I have not yet made up my opinion. An increased duty on this article would protect the grower, rather than the manufacturer. I have not sufficient information to enable me to determine whether enough would be produced in the country to supply the ship builder and the manufacturer. To the other articles contained in the bill, I have not turned my attention particularly. I have no doubt that an additional duty might be imposed upon many of them, which would be beneficial to the general interests of the country. Entertaining the hope that the bill may be so modified as to meet my views, I shall vote against striking out the enacting clause.

The Committee rose; and the House adjourned to Monday next, at 12 o'clock.

Previous to adjournment, Mr. MCLANE gave notice that he should, on Monday next, move again to take up the bill regulating imports and tonnage.

MONDAY, February 3.

Mr. MORGAN presented a petition of David Dunham, owner of the steamship "Robert Fulton," praying that certain privileges may be granted to him as owner of said ship, and others, which he contemplates building, to establish a regular line of packets, to ply between the ports of New York and New Orleans, to touch at the Havana, and the intermediate ports of the United States.—Referred to the Committee on Commerce.

Mr. TRACY presented a petition of Captain Pollard, Blue Eyes, and Jim Robinson, in favor of William Parker, Rock, and Thomas, Indians of the Seneca nation, who were wounded in the service of the United States during the late war, and thereby disabled, praying such relief as to Congress it may appear their cases merit.—Referred to the Committee on Military Affairs.

The SPEAKER presented a petition of sundry inhabitants of Charleston, South Crrolina, praying Congress to provide for an exploring party to the polar regions, under the conduct of Captain John Cleves Symmes.

Mr. ROSS presented a similar petition from sundry inhabitants of Greenville and Drake counties, in the State of Ohio.

Mr. BROWN presented a similar petition from sundry inhabitants of Huntington, in the State of Pennsylvania.

Ordered, That the said petitions do lie upon the table.

Mr. WOOD presented a memorial of sundry refiners of sugar, of the city of New York, praying that an additional duty may be imposed on refined sugar, imported into the United States; which was referred to the Committee of the whole House to which is committed the bill for the more effectual protection of manufactures.

Mr. MOORE, of Alabama, presented a memorial of the General Assembly of the State of Alabama, upon the subject of the fortifications at Mobile Point and Dauphin Island.—Referred to the Committee on Military Affairs.

Mr. M. also presented a resolution of the Legislature of the State of Alabama, instructing the

Senators, and requesting the Representative, of said State in the Congress of the United States, to procure the passage of a law, imposing a tonnage duty on all vessels coming into the ports of Mobile and Blakeley, for the benefit of sick and disabled seamen.—Referred to the Committee on Naval Affairs.

Mr. M. further presented a memorial of the Legislature of the State of Alabama, praying that measures may be adopted by Congress for the extinguishment of the Indian titles to lands within the said State.—Referred to the Committee of Ways and Means.

Mr. M. also presented a memorial of the Legislature of the State of Alabama, praying that lands which have been offered for sale, and are now liable to be purchased by entry, may be entered by fourth quarter sections.—Referred to the Committee on the Public Lands.

Mr. M. also presented a memorial of the Legislature, praying Congress to take into consideration the cases of such persons as became purchasers of public lands, after the time of issuing the Mississippi stock, and who had made full payment, prior to the passage of the relief law, and to allow them the reduction of thirty-seven and a half per cent., as has been allowed to those who were in arrear to Government; which memorial was likewise referred to the Committee on the Public Lands.

Mr. M. further presented a memorial of the Legislature of Alabama, representing the propriety of postponing the sales of public lands, lying in Jackson and Decatur counties in said State; and also the passage of a law extending pre-emption rights to settlers, in the purchase of a quarter or half quarter section, including their settlements.—Ordered, that so much of the above petition as relates to a postponement of the sales of public lands be referred to the Secretary of the Treasury; the residue to the Committee on the Public Lands.

On motion of Mr. COLDEN, it was ordered that the memorial of the manufacturers of corks, in the city of New York, praying that a specific duty be laid on all foreign manufactured corks imported into the United States; also, the memorial of the New York county Agricultural Society, praying that all seeds which may be imported, for the improvement of agricultural and horticultural interests of the country, may be admitted to an entry free of duty; and, also, the petition of J. B. Cazeau and others, manufacturers of white and red lead, in the city of New York, which memorials and petitions were presented at the last session of Congress, be now referred to the Committee on Manufactures.

The Committee on Pensions and Revolutionary Claims were discharged from the further consideration of the petitions of Ruth Freeman and Giles Cone, and they were referred to the Secretary of War.

The same committee was also discharged from the further consideration of the petition of Joel Babbitt, William Phillips, Peter Fricker, Benjamin Tyler, and Anson Lillie, and they were laid on the table.

The same committee were also discharged from the further consideration of the petition of John McMahon, and it was referred to the Committee of the whole House, to which is committed the bill concerning invalid pensioners.

Mr. RHEA, from the Committee on Pensions and Revolutionary Claims, made an unfavorable report on the petition of Daniel Lovett, which was read; when Mr. LITTLE moved that the said report and petition be referred to the Committee on Revolutionary Pensions, with instructions to report a bill for the relief of the petitioner. The question being stated to agree to this motion, the report was ordered to lie on the table.

Mr. MCLANE, from the Committee of Ways and Means, reported a bill making appropriations for the military service of the United States for the year 1823; which was read twice, and committed to the Committee of the whole House on the state of the Union.

Mr. MCLANE, from the same committee, also reported a bill making further appropriations for the military service of the United States for the year 1823; [fortifications] which was read twice, and committed to the Committee of the whole House on the state of the Union.

Mr. MCLANE, from the same committee, further reported a bill making further appropriations for the military service of the United States for the year 1823; [expenses of intercourse with the Indians] which was read twice, and committed to the Committee of the whole House on the state of the Union.

Mr. MCLANE, from the same committee, to which was referred the bill from the Senate, entitled "An act for the erection of a monument over the tomb of Elbridge Gerry, late Vice President of the United States," reported the same without amendment, and the bill was committed to a Committee of the whole House to-morrow.

Mr. PLUMER, of New Hampshire, from the Committee on the Judiciary, reported a bill for the relief of Abraham Snyder; which was read twice, amended at the suggestion of Mr. RUGGLES, and ordered to be engrossed for a third reading to-morrow.

[This is the case of an individual confined for debt to the United States, the principal of which was only eighteen dollars, but which amount was swelled by the costs to one hundred and forty dollars. The case is one in which the Secretary of the Treasury discharges from prison only on payment of costs. In this case, the individual confined is very poor, and wholly unable to pay either costs or principal.]

Mr. CAMPBELL, of Ohio, submitted a joint resolution for the distribution of the copies of the Digest of the Returns of the Manufactures and Manufacturing Establishments of the United States, lately printed under the direction of the Secretary of State; which was read a first time and ordered to lie on the table.

Mr. COCKE, from the Select Committee, appointed on the subject of the sale of lots in the city of Washington, reported, in part, the following bill: "A bill to authorize and empower the

Secretary of the Department of the Treasury to sell the public lots and other property belonging to the United States in the District of Columbia."

Mr. RUSSELL, from the Committee on Foreign Relations, to which was committed a bill from the Senate "for the relief of the heirs of Joseph Willcox," reported the same without amendment; which was committed.

On motion of Mr. TAYLOR, the House proceeded to consider the report of the Secretary of War, made at the last session, on the petition of George Merchant: whereupon, it was ordered that the petition and report be referred to the Committee of Claims.

Mr. HERNANDEZ laid before the House, a copy of an act, passed by the Legislative Council of Florida, entitled "An act to raise a revenue in the Territory of Florida;" which act has been complained of, in memorials presented to this House; which was ordered to lie on the table.

A Message was received from the PRESIDENT OF THE UNITED STATES, and read, as follows:

To the Speaker of the House of Representatives:

Having lately received a memorial from the Legislative Council of the Territory of Florida, on subjects very interesting to the inhabitants of the Territory, and also to the United States, which require legislative provision, I transmit the same to Congress, and recommend it to their consideration.

FEBRUARY 3, 1823. JAMES MONROE.

The Message and memorial were laid on the table.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting statements of the amount annually received, under the act for the relief of sick and disabled seamen, since the passage of the said act, and the amount expended annually, during the same period, of the moneys so received: which letter and statements were referred to the Committee on Commerce.

The SPEAKER also laid before the House a letter from the Secretary of State, transmitting the returns of American seamen, as registered in the several collection districts, during the three first quarters of the year 1822, pursuant to the act for the relief and protection of American seamen, passed March 2d, 1799; which were referred to the Committee on Commerce.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a statement of the appropriations for the service of the year 1822, showing the amount, under each specific head, the amount expended under each, and the balance remaining unexpended in the Treasury, on the 31st December, 1822; which letter and statement were referred to the Committee of Ways and Means.

The SPEAKER further laid before the House a letter from the President of the Washington Canal Company, containing a statement of their receipts and expenditures, for, and during, the year 1822; which was laid on the table.

REGULATION OF DUTIES ON IMPORTS.

The House took up, and proceeded to consider, the bill supplementary to, and to amend, the act, entitled "An act to regulate the collection of duties on imports and tonnage, passed 2d of March, 1799, and to repeal an act supplementary thereto, passed 20th April, 1818, and for other purposes; and the amendments reported thereto, from the Committee of the Whole, on the 15th ultimo, being read, were, on the questions severally put thereon, concurred in by the House, except the last, which proposes to strike out the 37th section thereof, and insert another in lieu thereof.

And the question being stated, on agreeing to this last amendment,

Mr. MCKIM moved to amend the same, by striking out from the section proposed to be inserted, these words: "*Provided*, That no appraisement of 'said goods, wares, and merchandise, shall be made 'at the said port, so as to change the amount of 'duties which may have been charged thereon, at 'the port of their original importation, if the same 'should have been there entered, according to the 'provisions of this act."

And the question thereon being taken, it was determined in the negative.

The said last amendment of the Committee of the Whole was then concurred in by the House.

Mr. MCLANE then moved further to amend said bill, by adding to the 13th section, the following: "*Provided*, That nothing herein contained shall be 'construed to impose the said penalty of fifty per 'centum for a variance between the bona fide in-'voice of goods, produced in the manner specified 'in the proviso in the fifth section of this act, and 'the current value of the said merchandise, at the 'time of exportation, in the country where the 'same may have been originally manufactured or 'produced."

This amendment being read, Mr. GORHAM moved to amend the same by adding thereto the following: "Nor in any other case of appraisement, 'under this act, where it shall appear that the 'invoice truly exhibits the actual cost; but there 'shall be added only the excess of the appraise-'ment over the invoice." This amendment was disagreed to.

And the question was then taken on that moved by Mr. MCLANE, and passed in the affirmative.

The bill was then further amended, and was ordered to be engrossed, and read a third time on Wednesday next.

[The gentlemen who engaged in this part of the business of to-day, were Mr. MCLANE, Mr. MCKIM, Mr. GORHAM, Mr. CAMBRELENG, Mr. INGHAM, Mr. WRIGHT, Mr. RHEA, Mr. TRACY, Mr. WALWORTH, &c. The discussion was one of detail, which it would be in vain to attempt to report unless the Reporter were placed in front of the Speaker's Chair, at which point alone a debate of this character can be so heard as to be intelligibly reported.]

NAVAL HOSPITALS.

Mr. FULLER, from the Committee on Naval Affairs, to which was referred the report of the commissioners of Navy hospitals, made on the 9th of January last, made a report thereon, accompanied by a bill to reimburse the sum withdrawn

from the fund of Navy hospitals; which bill was read twice, and committed to the Committee of the Whole, to which is committed the bill concerning invalid pensioners.

The report is as follows:

By an act of Congress, passed on the 26th of February, 1811, a deduction of twenty cents a month from the pay of the officers and seamen of the Navy of the United States, and of the marines, for the purpose of erecting navy hospitals; and by the report of the commissioners before mentioned, and their report on the 21st December, 1821, it appears that, of the whole amount of the deductions made in pursuance of that act, being $168,946 57, only $43,335 87 has been placed at the disposal of the commissioners, for the purposes provided by the act, and that the balance of the amount first mentioned, being one hundred and twenty-five thousand six hundred and ten dollars and seventy cents, has been absorbed in the pay of the Navy, and has, consequently, never been placed at the disposal of the commissioners.

As the contributions of the officers and seamen, and of the marines, by virtue of the act before mentioned, have been regularly made, and have been employed by the Government in so far reducing the annual appropriations, justice seems to require that the balance, so absorbed, should be reimbursed, and that the purposes of its original destination should be no longer frustrated or delayed.

It appears, by the commissioners' report, that they are taking the necessary measures to erect navy hospitals, as the act provides, and that the funds arising from the contributions, before stated, are indispensably necessary, and are deemed sufficient to accomplish the object.

The committee, therefore, report a bill for that purpose.

JOHN H. PIATT.

Mr. McLANE moved that the Committee of Ways and Means be discharged from the further consideration of the petition of the representatives of the late John H. Piatt, and that it be referred to a select committee.

This motion gave rise to a short debate, in the course of which—

Mr. COCKE moved that the memorial lie on the table, conceiving it too late in the session to undertake to investigate this claim. It would be recollected, he said, that the act for the relief of John H. Piatt contained a proviso that no allowance to J. H. Piatt should go to his credit, beyond the amount which, on settlement of his accounts, he had become indebted to the United States. Under that act, the Third Auditor settled the accounts of Mr. Piatt; and, allowing him all that he thought him entitled to, Mr. Piatt still remained considerably in debt to the Government. The Second Comptroller reversed the decision of the Third Auditor, making allowances to Mr. Piatt, which Mr. C. believed that the Congress who passed the law for his relief, never dreamt of. He sanctioned allowances to Mr. Piatt which brought the Government largely in debt to him, and gave him a certificate of such an amount being due to him. Under these circumstances, he was opposed to acting precipitately upon this bill.

Mr. SERGEANT said, that the act for the relief of Mr. Piatt had borne a different construction from that given to it by Mr. COCKE. That act authorizes several kinds of credit to be given to Mr. Piatt, in account with the United States, viz: for decisions by the Secretary of War, and for "assurances" by the Secretary of War, &c. The proviso referred to is, that the credit to be given to Mr. Piatt "for assurances" shall not exceed the amount reported as due by him to the Government, and the law had been construed literally. In the investigation of this memorial, it might become necessary to go back to the original merits of the claim, and there was, therefore, a particular propriety in referring the subject to a special committee. The amount of the claim is large; Mr. Piatt is now no more; and the claim belongs to his representatives and to his creditors, some of whom became so on the ground of the opinion of one of the highest law characters in the United States, (now no more,) that the true meaning of the law gave credit to Mr. Piatt for all the amount awarded to him upon other than "assurances," though it should bring the United States in debt to him. It was but just to the parties, therefore, to act upon the subject, and to act upon it speedily; for the ruin of some of those who have thus become interested in this claim might depend upon the course which it should take here, &c.

The motion of Mr. COCKE to lay the memorial on the table was negatived, and it was referred to a select committee; and Messrs. SERGEANT, WALWORTH, NOBLE, ARTHUR SMITH, and CAMPBELL, of Ohio, were appointed the said committee.

PAY OF ARMY OFFICERS.

Mr. COCKE, agreeably to notice, asked leave to introduce a bill by the title of "A bill to fix and equalize the pay of the officers in the Army of the United States."

[The bill proposes to provide that fixed compensations shall be given to officers, in lieu of pay, rations, forage, &c., and twelve and a half cents per mile, in lieu of allowances for transportation.]

Mr. WALWORTH said this subject was one which had been fully before the Committee on Military Affairs, by special reference to them, and the committee had reported, as their opinion, that no legislation on the subject was necessary. He did not rise to argue this question; but, if the House was of opinion that the subject ought not to be acted upon, he hoped that the leave which was asked would not be granted, because it would only lead to an unnecessary consumption of time.

Mr. COCKE said, that the indisposition of the Military Committee to act upon the subject, was the very reason why the leave ought to be granted to introduce the bill. The committee had refused to act upon the subject, though having before it a document showing that, since the reorganization of the Army, sixty thousand dollars have been paid for transportation, because it was rather late in the session, and it might make some of the officers a little uneasy. These were the grounds, as he understood them, on which the committee had refused to report. Mr. C. asked the House—he asked of the gentleman from New York himself—

whether they would calmly sit by and see the public money wasted in this manner, from one end of the country to the other. From the Major General down to the subalterns of the Army, they were all engaged in tours of inspection; and, until Congress acted upon the subject, so long would this heavy expense be entailed on the country.

Mr. Williams, of North Carolina, said he hoped the House would grant the leave which was asked, and which was no more than usual in such cases. From the statements which had been made by the gentleman from Tennessee, it was evident that the subject was of such importance at least as to merit inquiry. He did not see why a deaf ear was to be turned to his proposition now, any more than to a similar one which received the sanction of a majority of the House on a former occasion. Let the bill be received, referred to a Committee of the Whole, and take its turn on the docket with other bills.

Mr. Little said he had every confidence in the committee to whom this subject was referred, early in the session, and, if that committee had given its attention to the subject and thought no legislation upon it was necessary, as it appeared they had done, he was opposed to taking it up in the way now proposed. He could not consent to take the subject from the committee, which would have been the proper organ of the House to introduce the bill, if it was necessary or proper to pass it, merely to gratify any individual.

Messrs. Nelson, of Maryland, Wright, and J. Speed Smith, also opposed the motion for leave, and Messrs. Floyd and Cocke supported it—

When, the question being taken on granting the leave, it was decided in the negative—64 to 55. So leave was refused to bring in the bill.

FOREIGN IMPORTATIONS.

A memorial was presented by Mr. Condict, of New Jersey, signed by many respectable citizens of that State, showing the injurious consequences resulting from the importation of so great an amount of foreign goods, by paralyzing the industry of the nation, and draining the country of its precious metals, and praying for an increase of duties upon such articles as they believe can be furnished upon reasonable terms by our own manufacturers.

After stating the leading objects in the memorial—

Mr. Condict proceeded to remark, that it was similar to some others formerly presented by him, and which, on his motion, had been referred to a Committee of the whole House on the state of the Union.

Upon further consideration, said Mr. C., I am induced to ask the House, to give another direction to a particular paragraph of the memorial, which suggests an increased duty on imported spirituous liquors, and an internal duty, or excise, upon domestic spirit.

I have long entertained the opinion, said Mr. C., that it would comport with sound policy, and the best interests of our country, to levy and collect a much larger portion of its revenue upon liquors consumed at home. And nothing prevented me from calling the attention of Congress to this important subject during the last session, but the extreme reluctance which I have felt, and which many of my friends here have expressed, to the appointment of so many officers as would be required to carry a system of excise into effect.

In the Committee of Manufactures, of which I am a member, some conversation was had on this subject; but, considering it to be a question of revenue principally, it was thought by us to belong to another committee, and is not embraced in the bill, which is now under examination before this body. But, inasmuch as the subject is distinctly presented to us in this memorial, by a class of men second to none for their respectability in society, their intelligence, their morals, and devotion to their country, I deem it to be my duty to solicit the serious attention of the House, and to give to the subject that deliberate examination which it demands.

It is important in a financial, but much more so in a moral view. I have not before me, at this moment, any documents, showing the quantity consumed annually, nor is it of any importance for the purpose of my argument to ascertain, precisely, the number of gallons. A duty of twenty-five cents per gallon on the spirituous liquors consumed in the United States, would yield to the Treasury an annual revenue, say, of six or eight millions of dollars. A sum which, if faithfully applied, would rapidly extinguish the national debt; or which would be sufficient, in a few years, if economically applied to internal improvement, to connect the various sections of this extensive empire by navigable canals and good roads.

And upon whom would this tax fall? Invariably upon the consumer of the liquor. He could never carry the bowl to his mouth, without first "casting his mite into the Treasury."

Should it be objected, that the imposition of such a duty would lessen the consumption of the article, and that the Treasury would derive but a limited sum from this source—I reply, God grant it may be the case, and I would then double the duty.

What is the crying sin, the besetting and the besotting sin of our country, which sinks us in our own estimation, and the estimation of the civilized world? What is it that degrades and debases man, below the level of the brute—that unfits him for the duties of social and domestic life? What is it that carries strife and contention into every neighborhood? What invades the domestic circle, banishing conjugal affection, and sundering every tie of endearment? What entails poverty, and wretchedness, and infamy, upon the innocent, literally "visiting the iniquities of the fathers upon the children, unto the third and fourth generation?" What is it that wrings the tear from the eye of disconsolate beauty, and reddens its cheek with blushes? What is that which draws forth the midnight sigh, from the lonely and broken-hearted mother, as she strives to cover her shivering infant, with her scanty rags, or stifle the

cries of hunger, by the charities of her neighbor? What inflicts disease, in its most painful and loathsome shape? What bloats and deforms the human countenance, and effaces the image of the Creator from his creature? What is it that sweeps, "as with the besom of destruction," more human victims to an untimely grave, than sword and pestilence combined? What fills your poor-house with paupers, and your hospital with invalids? What crowds your jails with criminals, and gives employment to the hangman? It is intemperance in the use of spirituous liquors. And, if it be in the power of Government to restrain this deluge of moral evil, and diminish the sum of human misery; if, by levying a tax, you snatch one victim from ruin, and rescue his helpless family from the depths of degradation, will you not exert the power?

And, Mr. C. asked, what measure could so effectually aid the productive industry, and promote the real prosperity of the country, as that which shall lessen the consumption of ardent spirit?

And who are the consumers? They are either the wine-bibbers, the men of wealth, who indulge in riot and luxury, and who can afford to pay, or they are those miserable wretches whom nakedness cannot shame; whose filth renders the kennel in which they wallow more filthy, the voluntary outcasts from society, and from whom society has a right to extort this pittance, as the only punishment which can reach them for the outrages they have committed.

There is no country where the means of intoxication are so abundant and so cheap as in our own, and the consequences are daily more apparent and more and more alarming. The rich bounties of Heaven, our precious breadstuffs, and our delicious fruits, are converted into this fatal poison, disguised in a thousand forms, to allure us to destruction. It enters into every door, and the cup is presented to every lip. Whilst you tax the tea, the coffee, the molasses, the sugar, and the salt, used by every member of every poor family, you suffer the whiskey, the gin, and the brandy of the country, in their desolating progress, to blight its fairest prospects, "as with blasting and mildew."

In every view which he could take of this question, Mr. C. said, he was led to this conclusion; that there is no fairer, or more legitimate object of taxation, than spirituous liquors; and that sound policy, good morals, and the public happiness, require that the arm of the Government should be felt, in a tax upon the consumption of this article. And for the purpose of asking the serious attention of the House to so important a topic, he submitted the motion, viz:

"That so much of the New Jersey Memorial as relates to an additional duty upon imported liquors, and an excise upon domestic spirit, be referred to the Committee of Ways and Means, with instructions to inquire and report on the expediency of the measure. And that the residue of the said memorial be referred to a Committee of the Whole House on the state of the Union."

The question being stated on agreeing to the first part of this proposition—

Mr. FLOYD, of Virginia, suggested that the proper course to be given to this memorial, as proposing a part of the odious system of excise, which there appeared a disposition to rivet upon the nation, would be, to refer it to the Committee on Manufactures, to whom the bill now before the House, apparently connected with that system, had been referred.

Mr. WILLIAMS, of North Carolina, was of the same opinion; not that the Committee of Ways and Means was overburdened with business, but, if it was properly the province of the Committee of Manufactures to report the bill which they had reported for laying additional duties on imports, it was at least equally proper that this subject should be referred to that committee.

Mr. NELSON, of Maryland, hoped that this memorial would not be referred to the Committee of Manufactures. He could not conceive, he said, why such a direction should be given to it. He did not understand it to be the wish of the gentleman from New Jersey, or of the memorialists, to protect the manufacture of spirits, by imposing an excise upon it. It seemed to him the proper course to be pursued in regard to this bill would be to refer it to the Committee of the Whole House to whom is referred the bill reported by the Committee on Manufactures. It did appear to him, if that bill was to be passed, and our present system of revenue was to be invaded, this new project of the gentleman from New Jersey ought to go to that committee, that it might devise some plan to raise a revenue to the amount that the revenue will be lessened, should that bill pass.

Mr. FLOYD said he had no objection to the proposition of the gentleman to refer the subject to a Committee of the Whole. All he wished was, that the whole system should be presented at one view. It had been avowed, in debate, by two different gentlemen, that this Government would hereafter have to be supported by internal taxation. That being the ground on which gentlemen are disposed to legislate, he wished to have every part of the system presented to the consideration of the House.

TUESDAY, February 4.

Mr. NEWTON, from the Committee on Commerce, to which was referred the bill from the Senate, entitled "An act for the relief of Alexander Humphrey and Sylvester Humphrey," made a detailed report thereon, recommending that the House do not pass the said bill. The bill was committed to a Committee of the Whole.

On motion of Mr. HILL, the Committee on the Public Buildings were instructed to consider and report what alterations will be necessary to be made in the Hall of the Representatives, so as to accommodate the increased number of members of which the Eighteenth Congress will consist.

On motion of Mr. ROSS, the Committee of Claims were instructed to inquire into the expediency of allowing unto Daniel Fielding the amount

of a wagon and team lost in the service of the United States during the late war.

Mr. BLACKLEDGE, of North Carolina, from the Committee on the Public Buildings, made a report relative to the providing rooms in the Capitol for the accommodation of the Clerk of the House of Representatives; which was read, and ordered to lie on the table.

Mr. FULLER, from the Committee on Naval Affairs, to which was committed the bill from the Senate for the relief of Samuel F. Hooker, reported the same with amendments; which were read; and the bill was ordered to be read a third time to-morrow.

The joint resolution yesterday laid on the table by Mr. CAMPBELL, of Ohio, making provision for the distribution of the copies of the Digest of Manufactures and Manufacturing Establishments in the United States, was read a second time, and ordered to be engrossed for a third reading.

The SPEAKER laid before the House a letter from the Secretary of the Navy, transmitting a list of newspapers and periodical publications, with a catalogue of books purchased for the use of the Navy Department, for the last six years; as also a similar list and catalogue from the office of the Commissioners of the Navy; which letter and lists were ordered to lie on the table.

The SPEAKER also laid before the House a letter from the Secretary of the Navy, transmitting a statement of contracts made by the Commissioners of the Navy, during the year 1822; which letter and statement were also ordered to lie on the table.

A Message was received from the PRESIDENT OF THE UNITED STATES, which was read, and is as follows:

To the House of Representatives of the United States:

In compliance with the resolution of the House of Representatives, of the 12th of December last, requesting the President to communicate to the House such information as he might possess, with regard to any expedition prepared in the United States, and having sailed from thence, within the year 1822, against the territory or dependency of any Power in amity with the United States; and to inform the House whether any measures had been taken to bring to condign punishment persons who have been concerned in such expedition, contrary to the laws,—I transmit to the House reports from the Secretaries of State and of the Treasury, with the documents mentioned in each. Those documents contain all the information in possession of the Executive relating to the subject of the resolution.

That a force of a very limited extent has been equipped in the ports of the United States, and sailed from thence, for the purpose described in the resolution, is manifest, from the documents now communicated. The reports from the collectors of Philadelphia and New York will show in what manner this equipment escaped their notice.

The first information of this equipment was received from St. Bartholomews, the place of its rendezvous. This was confirmed afterwards from Curaçoa, with an account of its failure. Should any of those persons return within the jurisdiction of the United States, care will be taken that the laws applicable to such offences are duly enforced against them. Whether any aid was afforded by others, to the parties engaged in this unlawful and contemptible adventure, in the ports in which it was planned, inconsistent with ordinary commercial transactions, and contrary to the laws of the United States, will be referred to the Attorney General, on whose advice any measures in regard to them will depend.

JAMES MONROE.

FEBRUARY 4, 1823.

The Message and documents were ordered to lie on the table.

An engrossed bill, entitled "An act for the relief of Abraham Snyder," was read the third time, and passed.

COINS AND MINT.

Mr. ROCHESTER, from the committee appointed on the 13th ultimo, and who were by a resolution adopted on the 23d ultimo instructed to inquire into the expediency of prolonging the continuance of the Mint at Philadelphia, and whether any amendments in the laws regulating the coins of the United States, be necessary; and also whether it would be expedient to make certain foreign gold coins receivable in payment of debts due to the United States,—made a detailed report, accompanied by a bill to prolong the continuance of the Mint at Philadelphia; which was read twice, and committed to a Committee of the Whole.

The report is as follows:

That, on the 16th day of October, 1786, Congress passed an ordinance for the establishment of a Mint, agreeably to resolutions of the 8th August preceding, founded on a report from the then Board of Treasury.

That, on the 2d of April, 1792, the first act passed regulating the coins of the United States, and establishing a Mint, to be situate and carried on at the Seat of Government for the time being. This act defined the national standard, and designated the description and denominations of the various American gold, silver, and copper coins.

No alteration has been since made by law in the standard, relative value, or weight, of the respective coins, except in those of copper, which, by an act of 14th January, 1793, underwent a small diminution of weight, and were, subsequently, by an act of 27th December, 1795, on account of the increased price of copper, reduced to their present weight, viz., seven pennyweights for cents, and for half cents in proportion. On the removal of the Seat of Government to Washington, by an act concerning the Mint, of 3d March, 1801, the Mint was continued at Philadelphia until 4th March, 1803, and has been continued there since, by several successive acts of Congress, the last of which, approved 14th January, 1818, will expire on the 4th day of March next.

It is hardly necessary to urge the propriety of continuing the Mint. All well regulated commercial countries maintain establishments for the making of national coinage. Ours has the sanction of a resolution of Congress, so long ago as the 21st February, 1782, predicated upon a report of a committee of the States. It is at present in a highly improved state, and fully adequate to all its appropriate purposes.

The power to coin money, and to regulate its value, being vested by the Constitution in Congress exclusively, the States might reasonably complain, were the

exercise of a power so intimately connected with the regular operations of business and trade, and, in some degree, involving our national character, to be neglected.

At the commencement of the present year, the silver coined at the Mint amounted to $12,611,199, and the gold coinage to $7,709,847. The committee cannot pretend to any precision in estimating the probable amount of gold and silver coins now in the United States; some of our statistical writers put it at sixteen millions, being one and a half million less than was supposed to be in the country in 1804, according to Blodget's Manual. It is thought, however, not to be underrating the present aggregate amount, by stating it (including foreign gold and silver) at less than has been coined of those metals at our Mint.

With respect to the copper coinage it may be necessary to state, that, since the year 1795, copper, in the form of planchets, ready for coinage, has been procured on contract from England; that the supply now on hand, uncoined, will probably give employment to the Mint for the remainder of the year 1823, on this description of coinage, and is estimated to be worth about $14,000; the total amount of copper coinage at this time, is $446,400; it is the only branch of coinage which has afforded any profit to the Government; this profit has varied from time to time, according to the price of copper in England, and the rate of exchange, but may fairly be set down at about twenty per cent. Should the mines in the regions of Lake Superior, spoken of in the intelligent communication made to the Secretary of War by Mr. Schoolcraft, Indian agent at the Saut of St. Marie, and submitted to Congress in December last, prove as valuable as the agent represents them, there is little doubt but that, in the event of the extinguishment of the Indian title thereto, and of the erection of a refining establishment on an efficient basis, taken in connexion with the increasing facilities for transportation, by water, from that region to the seaboard, they will furnish a superabundant supply of copper for all the purposes of the Mint, as well as for every other necessary one, at a much cheaper rate than that at which the same metal may be brought from England.

The committee are not aware of any circumstance, growing out of the operations of the Mint, or of the manner in which it has been conducted, which denotes any abuse, or demands a suspension of its operations. Its location, is perhaps, on all accounts, as favorable as any other which might be designated, and for some reasons obviously more so, to wit: economy in the public expense. The whole establishment, including buildings, lots, and machinery, has, altogether, cost about $36,000, and, if exposed to sale, would probably fall far short of the expense that would be necessary for the purchase of another suitable site, and for the erection and furnishing of a National Mint at the Seat of Government.

Again, most of the deposites of gold and silver have been, and probably will continue to be, made by the Bank of the United States; and those that are not made by that bank, are generally transferred to it in Mint certificates. This fact would seem to indicate the propriety, if not necessity, of keeping those two institutions near each other.

Under the laws regulating the operations of the Mint, no seignorage can be charged on the coinage of gold or silver. On copper, which, as before mentioned, is coined on account of Government, the profit, during the last five years, has exceeded $30,000.

For some time after the establishment of the Bank of the United States, large deposites were made through it in European coins; and, of late years, the deposites of silver, from Mexico and the Republics of South America, have been very considerable, generally through the same medium. While the mints of those countries are in a great measure inoperative, there is no doubt but that the bullion from the mines may increase our deposites; yet, when their mints renew their operations, (as doubtless they will before long,) the importation of their coins and bullion must wholly depend upon the extent of our commerce with them. The importation of gold from thence, which has found its way to the Mint, has never been very considerable; that of their silver, during the last five years, amounts to $1,476,680, while that from all other places amounts to $2,869,024.

The committee ask leave to bring in a bill for the further continuance of the Mint at Philadelphia; to which bill they have added a section, providing an amendment in the existing laws, which allow no deduction for the refining of silver, unless when below our standard, nor any compensation for the expense of alloy in reducing to the legal standard such silver deposites as are of a quality superior to the standard.

The Director of the Mint, in a communication of the 30th ultimo, addressed to a member of the committee, states, that "it has been ascertained, from many years' experience, that the wastage on coining is about one grain per ounce—and this is the allowance made to the chief coiner. That on melting and refining would probably be as much; but a reduction is made from this of all the charges for refining gold and silver below our standard, which is accounted for to the Treasury of the United States. Nothing is retained, except for refining the gold or silver below our standard; and that, as above, is deducted from the allowance of wastage. This, during the last five years, amounted to $2,147."

HOUR OF MEETING.

Mr. CHAMBERS, of Ohio, rose and observed, that, a few days since, a majority of the House had voted that the hour of meeting should be 11 o'clock, A. M. On the next day, subsequent to this resolution's taking effect, they had re-resolved not to meet until the hour of 12 at noon. Not believing that the House had acted with due deliberation on the subject, but apprehending that the decision might have been hastily made, he had presumed again to present the subject for consideration. But, as to the propriety of a motion for an earlier meeting of the House, said he, I am supported in my own convictions by the example of one whose correctness on subjects appertaining to the economy and conduct of this House, I am sure no gentleman on this floor will doubt or question. On the 24th of January last past a year, the honorable Mr. Lowndes, then a member of this House, now no longer a member of any community here below, in his zeal to promote the public good, and to expedite the business of the nation, moved that the hour of meeting should be changed from twelve to eleven o'clock, A. M. We have now advanced, in point of time, to a period eleven days later than that which I have just alluded to. This proposition was made, sir, at a session which was only limited by the dis-

cretion of this House. For the present session, our Constitutional powers terminate here on the 3d day of March next. We have now only twenty-four acting days, in which we must despatch the immense mass of business before us, or let it pass down to oblivion. Look at your list of the orders of the day, amounting to more than one hundred and fifty different subjects. See your table loaded with nearly two hundred additional subjects, besides those in the hands of your committees. Of these subjects, about one hundred and seventy are the cases of private individuals, many of whom have thus far appealed in vain to our magnanimity or justice. Your faithful committees have performed their duty. They have considered, decided, and reported. They have said to many—Your claims are just, they ought to be allowed. Shall we, then, not take time to relieve the poor, the distressed, or anxious expectants, from the pains of hope eternally deferred? I trust we will. Much time, labor, and expense, has been spent in deliberating on these claims, and maturing the decisions of your committees. See your desks burdened with a mass of information in the documents printed on these several subjects, for the use of the House. Will we not now act upon this information, or shall we suffer it all to be lost? Each individual claim which is not now disposed of, may, in the discretion of the petitioners, be re-presented to the next Congress—be again referred to the respective committees, who must again go into the labor of consideration and reporting. The facts must all be reprinted, and the previous labor and expense will be wholly lost. The members of this House, Mr. C. added, are liberally paid by the nation for their services. We are bound to make our best exertions, and to devote as much of our time to the public business as may be consistent with a good economy in the arrangement of the hours of business. Have we made such an arrrangement? Does our daily progress indicate an intention to finish the great mass of business before us in any other probable way than by postponement? I think it does not. I believe, sir, that we are too inert; that there is really an indisposition in the House to transact much business at the present session. Such is public opinion. It is abroad in your public journals. And I am proud when I see the independent suggestions of these faithful sentinels of the public weal, delivered with all that frankness and candor which is produced by an intimate knowledge of the fact. Mr. C. said he would not have taken up so much of the time of the House, but from a conscientious sense of duty—a duty which he owed to himself, to his constituents, and the nation. The House would do him the justice to allow that he was not often troublesome, nor yet tedious. I now move, sir, said he, that, until the further order of this House, the regular hour of meeting shall be eleven o'clock, A. M., and hope that, although a majority of this House may differ in opinion with me on this question, they will nevertheless have the magnanimity to have it decided by ayes and noes, which I respectfully ask.

Mr. Colden, of New York, being opposed to the motion, briefly stated his reasons for being so. It was a mistake more general than it ought to be supposed that the members of the two Houses of Congress are only employed in the discharge of their public duties during the time in which they are in actual session. Much time, he said, must necessarily be employed in acquiring the information and making the investigations required to enable members to discharge with intelligence their duty to their country. It would be recollected that the documents printed for the use of the House, during the last session, alone, comprised fifteen volumes, averaging, perhaps, four hundred pages each. If the House is to meet early and sit late, how can we digest this mass of documentary matter? There are, it is true, master spirits who intuitively acquire information; there are others, who are so well informed before they come here, that they have exactly all the information necessary to discharge their duties without further acquisition. Probably the honorable gentleman who made this motion, and others who will vote with him in favor of it, are of this description. For his own part, Mr. C. said, it required all his time, when the House was not in session, to acquire information proper to fit him for the discharge of his duty when in the House. And his opinion was, that if members would really devote their time, when disengaged from the House, in possessing themselves of information proper to enable them to legislate understandingly, the House would do more business, not only by meeting later, but even more, by meeting every other day, than it now does by meeting every day.

Mr. Hardin said he was ready to meet at any hour in the day the House should appoint, say 10, 11, or 12; but he rose to suggest that, when the House determined, the other day, to meet at 11 instead of 12 o'clock, he had the curiosity to count the House at the hour appointed for meeting, and he found there were not more than eighteen members present, and it was some time after that hour before a quorum had assembled. The committees, he said, cannot well meet before 10 o'clock, and frequently they did not assemble until 11 o'clock; so that, too early an hour of meeting for the House would rather prevent than facilitate the transaction of business. His object, however, was not to consume more time—for this motion had been introduced in a way not to economize time, particularly when connected with the call for the yeas and nays. He moved to lay the motion of Mr. Chambers on the table.

Mr. Wright made some observations on the importance of devoting time to the examination of documents, and preparation of business before undertaking to act upon it. The only way, indeed, to avoid unnecessary debate, was, to understand the subjects which come before the House, which could only be accomplished by devoting time to the study of them. He was convinced that the present was a better distribution of time than that which was now proposed to be made. But the gentleman had quoted the language of persons out of doors, and even the remarks of editors of newspa-

pers in support of his motion. Now, Mr. W. said, if such remarks were considered as authority, he could show that they were overruled by the same authority. Mr. W. then quoted the editorial remarks from the *National Intelligencer* of this morning on the subject now under debate, and expressed his coincidence in the sentiments, his regard for the authors of them, and his conviction of their sincere devotion to the public interests, &c. To get rid of this question altogether, Mr. W. then renewed the motion (which Mr. HARDIN had withdrawn to accommodate him) to lay the resolve on the table.

On this question, Mr. CHAMBERS required the yeas and nays; which being taken, as required by rule, without debate, was decided in the affirmative—yeas 94, nays 64.

So Mr. CHAMBERS's motion was ordered to lie on the table.

WESTERN ARMORY PROPOSED.

Mr. BRECKENRIDGE, of Kentucky, submitted for consideration the following resolution:

Resolved, That the Committee on Military Affairs be instructed to report a bill to establish a National Armory on the Western waters.

The resolution having been read—

Mr. BRECKENRIDGE said, he had offered this resolution, without intending the smallest imputation on the Military Committee; and he thought he was justified by circumstances, in pressing it on the consideration of the House. Such a resolution had been offered at the last session of Congress, and referred to the Military Committee; but that committee was so divided in opinion on the subject, that they could not agree upon a report, and the subject was not finally acted upon, in any way, at the last session. At the present session, Mr. B. said, he had himself presented a similar resolution, and he understood that the Military Committee was now divided in opinion upon the subject, as they had been at the last session; and, although a majority of the committee was in favor of the object, a majority could not agree on the particular mode by which the object shall be accomplished. Mr. B., therefore, had thought it proper to present the question thus directly to the consideration of the House. That the measure was important and of peculiar interest to the Western country, could not, Mr. B. said, be denied. How, he asked, do the facts stand? We find, by a report laid before the House at this session, that there is a deficiency in the proportion of arms which ought to be delivered to the Western country by the General Government. According to that report, supposing that the nine Western States and Territories contain one-fourth of the population of the country, there is a deficit of upwards of three thousand stand of arms in the yearly quantity furnished to the Western country. He believed, he said, that there is too high a sense of justice in Congress to suffer them for a moment to refuse that portion of the benefits of their legislation to the Western country, which it is by its population and circumstances entitled to. The militia of the Western country are as subject as any other, in time of war, to calls upon them for actual service; and in what situation were a portion of that militia, when called to the field during the last war? They were found destitute of arms; the Government was unable to supply them; they were marched, however, to the field of battle, and whilst in the field were slaughtered, without arms in their hands wherewith to defend themselves. We all recollect the scenes which occurred on the bank of the Mississippi, where hundreds of your citizens were marched to meet the enemy, not even with arms in their hands, but to be slaughtered without the power of resistance. It is the duty of every nation, said Mr. BRECKENRIDGE, in time of peace to prepare for war. As one of the means of discharging this duty, you are manufacturing arms. On this side of the mountains, you have two extensive manufactories of arms; and you have also a Military Academy. These establishments, he said, were proper and valuable to prepare us in some degree for the awful period of war. But will you not arm all your citizens alike? Will you not arm the West as well as the East, and expend some portion of your money there as well as here? Millions on millions are expended on public establishments on this side of the mountains, and nothing on the other. We ask you not, said Mr. B., for navies, fortifications, lighthouses, &c., but simply for arms for the militia of the West. That portion of our militia behaved, during the late war, at least as well as those of any other portion of the United States, and their claims, and the claims of the Western country, in regard to the matter now before the House, were entitled to be heard, and ought to be heard. According to the statements before the House, the quantity of arms annually made for the United States was about 38,000, viz: 24,000 by the public armories, and 14,000 by contracts, made under the act of 1808 for arming the whole body of the militia of the United Sates. It was well known that the arms made at the public factories are better than any that are made at the private establishments; the expense of transportation across the mountains, too, was as much as one-fourteenth of the value of the arms, both which considerations strongly recommended the establishment of an armory on the Western waters by the Government. Shall we, said he, again place ourselves in the situation in which we were placed during the late war? At that time, arms were sent by the Government from this quarter to New Orleans. And when did they arrive there? After the war was at an end; after the enemy had been expelled. The vessel carrying the arms was three months in getting from Pittsburgh to New Orleans. With regard to the consideration of expense, he presumed this proposition would meet with no objection on that score. Materials, labor, and the necessaries of life, are cheaper on the other side the mountains than they are on this side, and more abundant. We have project upon project on foot for the employment of the three millions of dollars which are understood to be now in the Treasury. No better objects can be devised for this purpose than those which justice impose upon us. One of

these is to equalize the distribution of arms so as that the West should receive its due proportion, instead of much less than its due proportion, which, from the documents before the House, it appeared now to receive. In order that an end may be put to this inequality, in the most efficient and convenient and least expensive manner, he proposed this resolution, which he hoped would be agreed to.

Mr. Walworth was in favor of the object of this proposition, but, that the House might act understandingly upon it, thought it proper to state what were the opinions actually disclosed in the Military Committee upon the subject. A bare majority of that committee were in favor of the object of the resolution referred to them, but a majority could not be united in favor of a mode of carrying it into effect. A portion of the committee was in favor of authorizing the President of the United States to select a site for an armory, and of authorizing surveys and estimates of the cost of the buildings, &c., to be made. But a part of the committee was not willing to go that length, being in favor of reporting a joint resolution, declaring it expedient to establish an armory on the Western waters, and authorizing the President to cause different sites therefor to be examined and reported upon, with a view to the selection of a site, by Congress, at the next session. Such was the variety of opinions in the committee, upon the subject, that they had not yet been able to agree upon a report.

Mr. Williams, of North Carolina, said he did not know that he had ever seen this course pursued, of asking the House to decide *instanter* upon an affirmative proposition of this sort, involving the decision of an important principle. The usual course was to instruct committees to inquire into the expediency of any particular measure, &c. He saw no propriety in departing, in this instance, from the usual course of proceeding. He took it for granted that there would be as great a diversity of opinion in the House, on this subject, as there had been in the committee, and that the House was as unprepared to decide the question as the committee had found itself to be. The proper course with such a proposition as this, would be to refer it to a Committee of the Whole, where it might be as amply discussed as if it were a bill. Mr. W. then moved to refer the resolution to a Committee of the Whole.

Mr. Stewart, of Pennsylvania, said that he had not heard the resolution very distinctly, but, if he understood it correctly, it proposed instructing the committee to report a bill to establish an armory on the Western waters. He rose, he said, to suggest to the gentleman from Kentucky, (Mr. Breckenridge,) that a bill had been some days since reported in the Senate for this purpose, now on our files, which, if passed, would supersede the necessity of reporting another bill. He was himself decidedly in favor of the object of the resolution. The arguments in favor of establishing a national armory in the West, were obvious and irresistible. The disastrous experience of the late war, had furnished conclusive evidence on this subject. The immense loss of blood and treasure, occasioned by the want of arms in the West, was too recent, and severe to have been forgotten. In point of economy, it was the interest of the Government. It had cost one dollar per stand to transport arms to the West. Thirty thousand stand was now required to supply the deficiency in the West, and at least ten thousand per annum, hereafter. The transportation of these arms alone, would soon amount to a sum sufficient to purchase a site and erect an armory. Besides, it is well known that supplies and materials of every kind could be had cheaper in the West. He said he had a day or two since received a letter from a respectable gentleman in the West, describing a site at the head of the Western navigable waters, which could be purchased by the Government for an inconsiderable sum, possessing every possible advantage; where fuel (a principal article of expense) could be supplied for centuries at an expense not exceeding at the works two cents per bushel, not one tenth part of the cost at other armories; situated, too, in the midst of a number of iron works a few miles distant; in a country abounding with supplies of every sort, at the lowest prices, and even supplying, to some extent, the armories established in the East. Our foreign markets, he said, had failed, and it is the duty and interest of the Government, to establish manufactories and markets at home. Besides, said Mr. S., you have not only established all the armories in the East, but millions were annually expended in the erection of forts and fortifications, ships and vessels of war, lighthouses, &c., along our seacoast, and shall we refuse to permit the West to make their own arms, when they can do it so much cheaper, and are always so prompt to use them when their country required it? He, therefore, heartily concurred with the gentleman from Kentucky (Mr. Breckenridge) in the object of his motion, though he thought it would be fully accomplished by the bill from the Senate. If the subject was, however, pressed, he said he would vote for the resolution.

The discussion had gone thus far, when Mr. Tod asked if the hour allotted by rule to the reception of original propositions had not expired? Being answered by the Speaker that it had, Mr. Tod moved that the House do resolve itself into a Committee of the Whole, with a view to take up the bill for the encouragement of manufactures.

The House agreed to the motion, thus postponing until to-morrow the discussion of Mr. Breckenridge's motion.

NEW TARIFF BILL.

Being in Committee of the Whole on the state of the Union, Mr. Tomlinson in the Chair—

Mr. Stewart moved to take up the bill providing for the repair of the Cumberland Road, in preference to the Manufactures bill; which motion the House overruled by a vote of 76 to 64.

On motion of Mr. Tod, the Committee then resumed the consideration of his bill.

The question being on the motion to strike out the enacting clause—

Mr. DURFEE, of Rhode Island, said that the very high respect which he felt for the opinion of gentlemen, who favored the policy of this bill, obliged him to express the reasons by which he was governed in opposing it in its present form. He was the more inclined to do this, as the proposed measure had been defended, on the ground that it was but an extension of the policy of the tariff of 1816, in relation to coarse cottons, thus at once appealing to the generosity and justice of those who had been benefited by that measure. Besides, it might be recollected that he was one of the Committee of Manufactures at the last session, to whom a bill, the prominent features of which strongly resembled those of the one now under consideration, was presented, and was, by a majority of the committee, regarded as inexpedient and unnecessary. This decision had been charged upon those who made it, as a strong indication of hostility to the manufacturing interest.

So far as this charge related to himself, he could say, in answer to it, that there was no interest, the prosperity of which he was more desirous of promoting, by all fair and politic means, than that of the manufacturer. Until the commencement of this discussion, he did not believe that there was a single exception to the general opinion in favor of establishing domestic manufactures. In his friendship towards them, he agreed with the advocates of the bill. They furnished a home market; they kept our property subject to our own laws, and gave it all the benefit of our free institutions, without exposing it to the capriciousness of foreign despotism; but, although there could hardly be more than one opinion as to their utility and importance, yet the question, when we should protect, and how far we should go in protecting them, by commercial restrictions, is one upon which the warmest and most zealous friends of the manufacturing interest may be expected to differ.

It seemed to him that the advocates of the proposed measures ought to have shown that they were necessary; that capital employed in manufactures had become, or at least was becoming, unprofitable, and that the manufacturing classes are suffering for the want of relief which is proposed to be given. So far from showing this, it does not appear but that they are in a more prosperous condition than any other class of the community. Look, said he, at their memorials. They do not complain that their business has become unprofitable to them; that their machinery lies unoccupied; and that the laborer is out of employ; their complaint seems to be, that commerce is producing a ruinous balance against the country, which it would be politic in the Government to reduce, by diminishing our foreign importations. Sir, so far as my own observations extend, the measures proposed are not called for by the community at large, and are measures which it is not expected you will at this time adopt.

By what arguments is it, that the policy of this bill is defended? Why, it is said, that we are purchasing of foreign nations those manufactures which we might produce in sufficient abundance at home. We are told by the chairman of the Committee of Manufactures, and very truly, too, that we have the materials, or capacity to produce the materials, inexhaustible, of all the articles, the manufacture of which this bill proposes to promote. We have an abundance of the raw materials for the manufacture of iron, of glass, of lead; supply inexhaustible of cotton, and that the soil of our country can produce hemp, flax, and wool, to any extent.

It is undoubtedly true that we do, or can, furnish these materials in abundance. Nature has bounteously provided, not only this, but every other country, with the ore for the manufacture of iron, and the sand and alkali for the manufacture of glass; the materials themselves are of but little value; in their natural state they are worth nothing. The whole value may be said to consist in the labor which is added to them; and where is your additional labor, and skill, and practical knowledge, to manufacture the additional quantity of iron and glass, which this bill proposes to compel us to manufacture? It is really of more importance to show that we are possessed of the additional labor, the kind of labor and skill necessary for the manufacture of these articles, than to show that we are possessed of the materials in their crude and natural state. What is necessary to promote the manufacture of lead in Missouri, where a hundred pounds of earth, we are told, will yield eighty pounds of metal? Not an increase of duty upon the imported article, but an additional population in the district yielding the metal in such an inexhaustible abundance. You will then have the additional labor necessary for the extraction of the metal, and establishments for the manufacture of the material into useful articles will naturally spring up, aided by local advantages.

If our country has the capacity to produce hemp and flax to such an inconceivable extent, we must at least allow time to the farmer to change his mode of culture, and become better acquainted with the method of preparing it for the manufacturer. It is said, that it is this deficiency in skill, that at present gives the foreigner an advantage over him in our market. But to the high price of labor, to its scarcity in the Western States, where the cultivation of these plants could be most successfuly carried on, may be fairly attributed the slow progress which has yet been made in this branch of agricultural industry. Sir, the very useful invention which was exhibited here during the last session, by which labor, to a vast amount, is saved, must accomplish all and far more than any duty which could be levied on the foreign article. It must produce the same effect on the agriculture of the West, which the invention of the cotton gin produced on the agriculture of the South. But, sir, if this bill proposes to encourage the cultivation of hemp in this country, it is certainly not well calculated to promote manufactures from that material. It is a tax upon the manufacturer, who is now able to send a share of his labor to foreign markets, but who, if subject to this duty, must give place to the foreign manu-

facturer. Thus, if this bill be calculated to increase the domestic supply of the raw material, it has the effect of diminishing the demand for the manufactured article.

A heavy duty is proposed to be levied on coarse woollen cloths, and another is proposed to be levied on importations of wool. Thus showing that the manufacturer is already in advance of the producer of the raw material, and increasing his demand for a domestic supply; a demand which will be answered, duty or no duty, to its full extent. Sir, to show that we are possessed of the means of furnishing this material to any supposable extent, is not all that is required to justify the exclusion of the foreign manufacture; it should be made to appear that we are possessed of that skill, which is absolutely essential to the prosperous manufacture of this article; a skill of which, when once we are possessed, will give our manufacture a complete control of the domestic market. A general improvement in the art of coloring, only, would be sufficient to increase the consumption of domestic manufactures of this description beyond any thing which the proposed duty can do. Foreign competition, so far from having a tendency to prevent the attainment of the necessary skill, must have the effect of promoting it. High duties might increase the quantity, but could not have a tendency to improve the quality of the manufacture.

But, in support of this bill, the examples of other nations have been appealed to. All the Governments of Europe, it is said, which can make any pretensions to a sound policy, have adopted a system of exclusion. Sir, it is by no means denied, that when capital, to any considerable extent, has been invested, and labor employed in any branch of manufacturing industry; and when, by war, or the course of political events, the capital thus invested, and labor thus employed, have been rendered profitless—it is not denied that those Governments, under such circumstances, have given them relief by protecting duties, and even prohibitions. It is not denied, that, under such circumstances, the protection is both politic and necessary; but no Government that can make any pretensions to a sound policy, has ever adopted a system of forcing capital from one branch of business into another, and of driving labor from the employment in which it has been educated, to new and untried occupations. To England, in particular, has been imputed the policy of encouraging her manufactures by commercial restrictions. So far, sir, from crippling her commerce, it has been the uniform policy of England to promote it by all possible means. The constant object of her policy, was the creation of a military marine. It was on that, that her own safety, and the safety of her distant possessions, depended. If she imposed restrictions, she considered them a part of her colonial policy. They were restrictions which she bore not herself, but the burden of which she imposed on her colonies. She compelled them to purchase of her, almost every manufactured article, and for that purpose excluded from them the foreign manufacture. These colonies, extending from the region of the tropics to the icy circle of the North, with a population of hardy adventurers, constantly increasing, every day augmented their demands on the mother country for her manufactures, which demands, in turn, every day augmented the sum of her manufacturing capital and labor. It is said by a writer on this subject, some time previous to the Revolution, that the population of the colonies then amounted to one million of white persons, and five hundred thousand slaves, and that every white person in the colonies gave employment to four persons in England. It was her colonies, and not her commercial restrictions alone, which so extended and increased her manufactures.

But the example of Spain has been named as the reverse of that of England. Sir, it was not the want of commercial restrictions; it was not her free commerce, that reduced her to wretchedness and misery. There is no country which has carried the principle of privilege and exclusion to a greater extent. One city formerly engrossed the commerce of South America; latterly, it was divided among four. She undertook to supply her colonies with manufactures, and she imported the precious metals to the full extent of the wishes of the friends of exclusion. But it was not her commercial policy—it was the rigor of her Government—it was the sanguinary cruelty of her ecclesiastical despotism, that degraded her from her former rank among nations. In a country where the Viceroy was legalized to plunder the subject, that the Crown might, in turn, plunder the Viceroy; in a country, the streets of whose cities were thronged by day with processions of monks and friars, and lighted by night with the torch of the Inquisition in quest of her victim; in a country where the arts and sciences were proscribed, and life, liberty, and property, found no security, it would have been a prodigy, indeed, had agriculture, or commerce, or manufactures, flourished, or otherwise than withered under the influence of her tyranny. The present flourishing condition of France has been named: but France enjoyed the full benefit of the restrictive system of Napoleon, and yet we are told, that, when she emerged from it, she had retrograded half a century. The Netherlands has been named as furnishing an example of the effects of a free commerce, and have been contrasted with the condition of France. The freedom of her commerce seemed to afford grounds for stating, as a matter of inference, it is presumed, that she had no manufactures. Sir, Dutch industry and Dutch ingenuity are proverbial all over the world. She early furnished England with the germ of her woollen manufacture, in the artisans who fled from Ghent, from Bruges, and Lorraine, and sought shelter under the protection of an English monarch. And even now, after having been stripped of her liberties, cast down, and scourged with the restrictive system of her conqueror, her manufactures are respectable: she still exports her woollens, her linens, her glass, and her manufactures from iron and steel.

But our experience, under the prohibitory duty on coarse cottons, is relied upon as settling this

question conclusively. Upon this point, I ask the particular attention of the Committee, and I am prepared to say, that, if the condition of the manufactures, which it is the object of this bill to promote, be the same with that of the cotton manufacture in 1816, it will justify, in relation to them, a similar course of policy. But, before their claim to the benefit of that policy can be established, it ought to be shown, that their condition brings them within its principle. No attempt has been made to show this. Now, sir, what was the situation of the cotton manufacturing business in 1816? According to the report of the Committee of Commerce and Manufactures, the year previous (1815) 90,000 bales of cotton were consumed, and one hundred thousand persons employed in this branch of domestic manufactures. Capital, to the amount of many millions, had been invested in machinery and fixtures of various kinds. Shortly after the return of peace, and the consequent influx of foreign goods, three-fourths, and perhaps more, of this capital was rendered useless, and three-fourths or more of this labor was thrown out of employment. Here, then, was a vast amount of raw material, of machinery for its manufacture, and of manufacturing labor, lying dormant and going to decay—requiring but the exclusion of a flimsy foreign fabric to put them in operation and save them, to the country as well as to individuals, from the destruction with which they were threatened. The tariff of 1816 was, therefore, a mere act of preservation. It did not drive capital and labor out of one branch of business into another; but it protected them both, where peace and commerce found them. It did not propose to create manufactures by destroying commerce, but to prevent commerce from destroying manufactures already existing. Now, sir, turn your attention to those branches of manufactures which this bill is more particularly intended now to protect. Is it said, and can it be said, that any portion of their capital is rendered useless? that manufacturing skill and industry wants employment? that the raw material prepared for consumption lies unconsumed, and machinery useless, and that nothing is wanting in order to put these extensive means in operation but the adoption of this bill? Sir, so far from this being the case, it must be acknowledged, by the friends of the bill themselves, that capital, and skill, and labor, must be diverted from their present employment, in order to produce the necessary means. The condition, then, of the manufacturer, at present, is not that of the cotton manufacturer in 1816; and, to extend the principle of the tariff of 1816, in relation to coarse cottons, in order to protect all the manufactures embraced by this bill, is to apply the same principle to subjects not analogous, and to expect that the same effects will proceed from causes that are essentially different.

This bill does not propose to preserve the means of manufacturing already in existence, but it is, in fact, a proposition to create additional manufactures before we are provided with the additional means for the purpose. For, sir, in what do these additional means consist? Unquestionably they consist in additional capital—in an additional number of manufacturing laborers; in additional skill, and in additional practical knowledge of the arts, connected with the manufactures, to be promoted; for such knowledge is indispensable to the economical direction of capital, of labor, and of skill.

This additional capital must consist, not merely of money—for that, in truth, forms but a very small portion of the capital vested in manufactures—it must consist of an additional quantity of the raw material, of the sustenance for laborers, and of additional labor-saving machinery and useful inventions, foreign as well as domestic. The raw material, considered in reference to this bill, must consist of an additional quantity of cotton, of wool, of hemp and flax, of iron, and of all the various kinds of metals. With the exception of cotton, our country, so far from being provided with a sufficiency for additional manufactures, actually imports immense quantities for the consumption of those which we already have in operation.

A great proportion of the sustenance of labor, considered as consisting of food and raiment, is of foreign growth and manufacture. Thus evincing that no small portion of this item for manufacturing capital is furnished by foreign countries. It is a portion, too, which forms a part of the wages of labor, and consists of the very articles which it is the policy of this bill to exclude, but of which an additional quantity is necessary, in order to establish additional manufactures.

But, where is your additional manufacturing labor; where your additional skill, and where your additional practical knowledge necessary for the economical direction of the means? You have it not; you can find it nowhere beyond its present employment; you must wait until it is produced; until time and nature has created it. For this bill creates nothing; it can only modify that which is already in existence. Now, sir, where are the materials out of which these additional means are to be produced?

A large proportion of the national capital exhibits itself in the shape of cultivated lands, extending from the extreme limits of Maine to the banks of the Mississippi, and beyond them. It exhibits itself in buildings and agricultural improvements of every description; in stock, in farming utensils, and in the domestic comforts and conveniences of all kinds, adapted to our present avocations, wants, or wishes. The share invested in mercantile employments shows itself in your commercial cities; their shipping, their wharves, their warehouses, and in the merchandise, and in the debts due to the merchant.

Your labor is agricultural; and that part which must be diverted, is employed in producing exports, with which foreign manufactures are purchased, and from which your present revenue is derived; or it is commercial, and is employed in navigating your ships, in constructing and building them, and in all the arts connected with commerce.

Now, sir, what change must these materials un-

dergo, in order to form the necessary means for the establishment of additional manufactures? Capital must be withdrawn from commerce and agriculture, and be converted into machinery, into the raw material, into the sustenance and wages of labor. Labor must be diverted from its agricultural and commercial employments—must seek new situations and adopt new habits; skill must be acquired and practical knowledge obtained; and, for the acquisition of either, time and experience are indispensable.

But, if capital must assume new forms, and labor engage in new and untried employments, agriculture must likewise change her character to a certain extent, and bring forth new products; less must be produced for exportation, and, in its place, the raw material. Hemp, flax, and wool, for home consumption, must be cultivated on that land which now bears the grain for the foreign market; skill is as essential in agriculture as in manufactures; and a practical knowledge of the mode of culture to be adopted, and of the soils in which each product will best succeed—of the nature, as well as the extent of the demand to be supplied, is absolutely necessary to the success of the rural economist, whatever may be the business in which he engages.

A change equally important, though not so difficult, must take place in commerce; she must abandon her foreign for domestic channels; new markets must be sought and new markets found; a knowledge of the nature and extent of their demands and supplies obtained, and mutual confidence established, to furnish a foundation for individual credit. This change, in speculation, may appear to be a trifling one; but to the merchant engaged in foreign trade, it would be really important, and, if suddenly forced upon him, might result in ruinous consequences.

When these changes are effected, we shall then have the means of manufacturing with success, but it is all important to the community that this change should take place gradually, and in a natural order; effects should follow causes, without being forced by adventitious aids, in that order which nature has prescribed to them. Capital ought not to be transferred until the additional manufacturing labor and skill, and practical knowledge, can be commanded; nor the raw material produced before the means for manufacturing it are provided.

Now, sir, this bill does go to force upon us this change without the necessary preparation. Its first and immediate object, is a change in prices, and its adoption will thus far accomplish its object. Its immediate effect will be, to advance the price of all manufactured articles, both foreign and domestic. It will produce a corresponding advance of the price of manufacturing labor, skill, and capital. In commerce it must produce a depression of prices. It must diminish the value of ships, of wharves, of warehouses, of the labor of the mariner, of the shipwright, and, generally, of all mechanical labor connected with commerce. This fluctuation of prices—this uncertainty of values, will form the proper element for the bold and heedless speculator. Through him, a sudden transition of capital, from commercial investments to manufactures, must take place. This must leave a portion of fixed capital in commerce absolutely lost, and a portion of labor absolutely thrown out of employment, and reduced to beggary and want. Nor must the agricultural interest suffer less. The farmer, deprived of the utility of his former experience, will be left to rely upon it, to be uniformly deceived in its results. He will still go on to produce what he now produces, without accommodating himself to the changes that take place, until repeated trials and repeated failures have furnished instruction for the future. For there is no employment in which improvements are, and must, from the very nature of things, be, more gradual and slow, than in agriculture; but one crop of the same kind is produced in a year, and but one experiment can annually be made upon it.

Nor will your existing manufactures suffer less than either. Their newly formed rivals must create a great demand for manufacturing laborers, and raw and unskilful hands must be employed, for the want of better. This deficiency of the necessary skill and knowledge will produce crude and half-wrought manufactures to be forced upon the consumer, to the injury of the reputation of domestic fabrics, generally. Should these consequences be accompanied with an excise, and with direct taxation, may there not be a revulsion overthrowing the whole system? Thus, sir, after all this waste of capital and labor, after all this destruction of happiness and property, you will find that you have only increased the quantity, without improving its quality; that what you have gained in one way, has actually been lost in another; and that it would have been far better not to have undertaken to manufacture all that we consume, until the means for the purpose had been regularly and naturally produced.

But, sir, there are causes in operation which are producing the necessary means, and which do not require the adventitious aid of this bill. Sir, I confess that I was somewhat surprised that the Chairman of the Committee on Manufactures should deem the very cause which is producing, in the mode most desirable, the very effect which this bill contemplates, a subject of depreciation and complaint. I allude to the decline of our foreign market, and of the diminution of our exports. With what is it that the farmer purchases the foreign manufacture but with the produce which he sells to the merchant for exportation? But if the foreign market falls off, the merchant will no longer purchase for exportation, and the farmer will no longer raise produce for the foreign market, and can therefore no longer purchase of the merchant the foreign manufacture. But he must still supply himself; he must supply his family with the necessaries of life; and how, but by employing that very land which now no longer bears produce for the foreign market, in raising the raw material for the manufacture which was formerly imported? Those fields, therefore, which once bore the wheat for the foreign market, are

now grazed by his flocks, or produce the hemp and flax for domestic consumption. And land thus devoted to the production of the raw material, increases just in proportion as our exports fall off, and our imports diminish, thus supplying the deficiency gradually and naturally. Skill and manufacturing labor gradually increases, and just in proportion as more and more of the raw material is produced. The producer's family manufactures a portion of the fleece; or it passes into the hands of him who cards it, then to him who spins it by the aid of machinery; from him to the family who weaves it into cloth; thence to him who colors it, and thence to the clothier, who gives it its final touch; thus, everywhere absorbing labor, everywhere improving skill, and everywhere advancing the practical knowledge of the various processes through which it passes. Sir, these effects are going on under our own observation. Never was a greater spirit of improvement abroad among the people of any country on earth. Philosophy, the pioneer of society, is in advance, searching out our natural resources; and the useful arts rapidly pressing on her steps. That emigration which, during the last twenty or thirty years, peopled the region beyond the Alleghany, has, in consequence of the falling off of our foreign market, stopped; and our population is everywhere condensing and exploring their local advantages. Agricultural and manufacturing societies, awarding bounties and premiums for excellence, are everywhere established or establishing; the useful arts are in every class of society a topic of conversation, and the spirit with which they are pursued seems to border on enthusiasm.

Whilst these improvements are gradually going on in the country at large, capital is gradually passing from commercial to manufacturing investments, collecting the means which we have seen are diffused and gradually increasing throughout the country; aiding labor by machinery, and skill by a further division of labor. These investments are proportioned to the diminution of our commerce, to the deficiency of our foreign supplies, and to the production of the raw material, of labor, of skill, and of practical knowledge. These changes are going on harmoniously; no violence, no jarring of conflicting causes; it is a change going on unfelt, and known only by the happy effects which it produces.

Sir, the rapidity with which domestic manufactures have increased, and are increasing, under the influence of these causes, is wonderful. In 1802–'3–'4, the average amount of imports consumed in the country was forty-six millions, (using round numbers;) our population was about four millions. In 1821, the domestic consumption of imports was forty-one millions, and our population was nearly ten millions. Thus, domestic manufactures have more than doubled, in less than twenty years, and supplied nearly six millions of inhabitants more, in 1821, than both foreign and domestic manufactures supplied in 1802, 1803, and 1804. This increase results from the spirit and enterprise of our people; from our free institutions; from our increasing and condensing population; and from the political state of the world. These are permanent causes, and must continue to operate.

And, sir, may we not hope—may we not confidently believe—that our foreign commerce has reached its utmost point of depression, and that, considered absolutely and without reference to our increasing population, it will, if subjected to no impolitic legislative restraints, continue in amount nearly what it now is, until aided by domestic manufacturing industry, unrestrained and untaxed, it again begins to swell the amount of our exports, and, in return, increase the amount of our imports of foreign products. Our present source of revenue would, in such case, continue to furnish Government the necessary supply, and render a resort to direct taxes and internal duties unnecessary; a mode of taxation to which Government will shortly be under the necessity of resorting, if this bill, in its present shape, is adopted.

But it seems that this bill is necessary, not merely for the promotion of our manufactures, but in order to regulate the balance of trade, which is said to be most ruinously against us. Before we do this, however, it will be well to determine what this balance of trade is, and whether it is a trade which this country can advantageously pursue. If it be such a trade, I care not how its balance stands in figures; it is a trade which we ought not to abandon. But, in what, sir, does this balance against us consist? It is said to be in the excess of our imports over our exports; in other words, the values which we bring into the country are greater in amount than the values carried out of it. Well, now, sir, will those who are complaining that the balance of trade is against us, tell me of what value that trade would be, which carried out of the country more than it brought into it? They will possibly say that the excess should be returned in specie. But why in specie? That commodity is not a necessary of life. It is not food or raiment. 'Tis not from the storm a shelter, nor from the heat a shade; it is of no use, except when applied to the purchase of a supply of what is necessary or useful. Now, if the excess comes in the shape of this supply, is it not just as well? It certainly is; but it does come in the shape of this supply of the necessary and useful—it is food—it is clothing—it is the implements of a man's trade or business in life. It forms a part of the capital of the farmer, the laborer, the mechanic. It is so much capital applied to reproduction. It enlarges your agriculture; it extends your commerce; it increases your manufactures; it augments your population, and consequently your capacity to produce and your capacity to consume. From the first moment that our ancestors sat foot on these shores, we have always had just such a balance of trade as this is, and it has always been producing just such effects. And Heaven grant that this balance may long continue, or, at least, as long as such effects are produced by it. The whole difficulty (if there be any about it) may be removed in a very few words. If you purchase what can be, and what is, applied to reproduction, the trade is advantage-

ous. I care not how it stands in the arithmetic of the counting-house. You part with that which is useless for that which is useful. The selection of the articles purchased, depends entirely on the individual purchaser, upon his habits, his moral feelings, his judgment—in one word, upon individual economy.

But it may be said that we are procuring this excess of our imports beyond our exports on credit. Be it so; the case is not altered. A man vests the whole of his capital in machinery and the wages of labor; but he still wants something else to render his capital, in this form, useful. It is the raw material. Well, suppose he procures the material on credit, then, in the language of the day, the balance of trade is against him; call it what you please, it is a transaction advantageous to him; it gives him the means of rendering his capital profitable, and of increasing his wealth—of paying off the debt which he thus contracts, and of extending his credit still further. Now, suppose that the situation of a nation, engaged in various pursuits, be precisely analogous to the case mentioned; it comes to the same point. The nation is made up of individuals, and the capital of the nation is the sum total of the capital of individuals; and that course of trade which increases the capital of each individual, increases likewise the whole capital of the nation. In a word, that is a benefit to the whole nation which is a benefit to all its parts.

That for which credit is thus obtained, is applied to the permanent improvements of the country. It exhibits itself in the elegant palace of the man of wealth and taste; in the plain, but comfortable mansion of the farmer; in the humble, but decent cottage of the laborer. It hews down the forests; it peoples your plains, your mountains, your valleys, and your floods. It extends the sphere of cultivation everywhere; clothes every form with the effects of your own industry; and spreads throughout even inanimate creation the appearance of your own wisdom and intelligence. Consumption, indeed, increases, but the power to produce increases beyond it. Hence, new demands; and hence, new credits, which are still paid off by an ever-augmenting capacity to produce.

One word more, sir, and I have done. I wish that it might be distinctly understood that I am opposed to this bill, because its policy goes too far; because it must produce a sudden transition of capital and labor from one branch of business to another, without the necessary preparation; and because it does not appear but that capital and labor, engaged in manufactures, is already profitably employed; and not because I am opposed to protecting domestic manufactures, when protection is necessary. When, by the course of political events, or the pressure of a foreign policy, capital already invested, and manufacturing skill already acquired, is thrown out of employment, protecting duties, to restore them to usefulness, are undoubtedly proper. If, therefore, in the course of the investigation of this subject it shall appear that any manufacture, the protection of which is an object of this bill, comes within this principle, I shall have no objection to extending to it the necessary protection. With this view of the subject, I shall not vote for striking out the enacting clause, because it is possible that the bill may yet be brought to correspond better with what I conceive to be a proper policy in relation to domestic manufactures; but, unless it is, I shall be compelled to vote against it on the final question.

When Mr. Durfee had concluded—

Mr. Forward, of Pennsylvania, in a speech of half an hour's length, replied to Mr. Durfee, and in support of the principles of the bill.

Mr. Gorham, of Massachusetts, then took the floor, and spoke for considerably more than an hour, in earnest opposition to the principles of this bill. When, on motion of Mr. Woodson, the Committee rose, and the House adjourned.

Wednesday, February 5.

On motion of Mr. Rhea, the Committee on Pensions and Revolutionary Claims was discharged from the further consideration of the petition of Peter Mills, Amos Cogswell, Lewis F. Delesdernier, James Fitzimons, and George Claghorn; which were severally ordered to lie on the table.

Mr. Plumer, of New Hampshire, from the Committee on the Judiciary, reported a bill for the relief of Joseph Marechal; which was twice read, and committed.

Mr. Williams, of North Carolina, from the Committee of Claims, to which was referred the bill from the Senate, entitled "An act for the relief of Samuel Hodgdon," reported the same with an amendment, and the bill was committed to a Committee of the Whole.

Mr. Eustis, from the Committee on Military Affairs who were instructed to inquire into the expediency of repairing the fort at Smithville, North Carolina, or of erecting fortifications at a more suitable site, made a report, asking to be discharged from the further consideration of the subject; which report was read and agreed to by the House.

Mr. Stewart, from the Committee on Roads and Canals, to which was referred certain parts of a memorial of the inhabitants of East Florida, in relation to roads and bridges, reported a bill to authorize the laying out and opening certain public roads in the Territory of Florida; which was read twice, and committed to a Committee of the Whole on the state of the Union.

Mr. Cocke, from the Committee on Revolutionary Pensions, in obedience to an order of the House, reported a bill for the relief of John L. Polerezsky, late a major in the French troops, allied with the American troops in the war of the Revolution; which was read twice, and committed to the Committee of the Whole to which is committed the bill for the relief of Sarah Perry, mother of the late Oliver H. Perry.

The resolution yesterday moved by Mr. Breckenridge for instructing the Military Committee to establish an armory on the Western waters, being the subject next in order—

Mr. Breckenridge rose and said that he un-

derstood, since he moved this resolution yesterday, that a bill had been reported in the other branch of the Legislature proposing the establishment of a national armory on the Western waters. For the present, therefore, he moved to lay the resolution on the table.

This motion was agreed to.

On motion of Mr. ABBOT, the Committee on Commerce were instructed to inquire into the expediency of the concurrence of Congress with an act of the State of Georgia, "to establish the fees for harbor-master and health officer for the port of Darien, and allow them the same fees as are allowed the harbor-master and health officer for the ports of Savannah and St. Mary's," passed the 10th of December, 1817.

On motion of Mr. TOMLINSON, the Committee on Military Affairs were instructed to inquire into the expediency of increasing the annual appropriation for the purpose of providing arms and military equipments for the whole body of the militia of the United States, either by purchase or manufacture.

A message from the Senate informed the House that the Senate have passed bills of the following titles, viz: An act for the relief of Samuel Buel; An act to establish an additional land office in the State of Missouri; An act to divide the State of South Carolina into two judicial districts; An act to repeal so much of an act, passed the 18th of April, 1806, as limits the price of certain lands in the State of Tennessee; and, An act providing for the accommodation of the circuit court of the United States for Washington county, in the District of Columbia, and for the preservation of the records of said court; in which bills they ask the concurrence of this House.

RELIEF OF LAND PURCHASERS.

Mr. COOK, from the Committee on Public Lands, reported a bill further to extend the provisions of "An act supplementary to an act, entitled 'An act for the relief of the purchasers of public land prior to the 1st of July, 1820."

The bill having been twice read—

Mr. COOK moved that the bill be ordered to be read a third time.

Mr. COCKE rose to ask an explanation of the extent of the cases covered by this bill, and their number. He was opposed on principle to the grants of public land on special applications, or to particular classes or sections of the country. We had better at once relinquish all the right and title of the United States to the public land than thus give it away piecemeal. He wished this bill to take the course of other bills; and he therefore moved that the bill should lie on the table.

Mr. COOK said he had no expectation of any debate arising on this bill, to which he had not anticipated any objection. He assented to the bill's lying on the table, believing that, if it was properly understood, there would be no objection to it.

The bill was then laid on the table and ordered to be printed.

FOREIGN COINS.

Mr. ROCHESTER, from the committee appointed on the 13th ultimo, and who were instructed on the same day to inquire into the expediency of continuing in force, for a further term, the currency of the crowns and five-franc pieces of France, made a report thereon, accompanied by a bill to continue in force an act, entitled "An act regulating the currency, within the United States, of the gold coins of Great Britain, France, Portugal, and Spain, and the crowns of France and five-franc pieces," passed on the 29th day of April, 1816, so far as the same relates to the crowns of France and five-franc pieces; which bill was read twice, and committed to the Committee of the whole House to which is committed the bill further to prolong the continuance of the Mint at Philadelphia. The report is as follows:

That, by the act of the 29th of April, 1816, these coins were declared to be a tender for the term of three years; the crowns, at the rate of 117.6 cents per oz., and the francs at the rate of 116 cents per oz. The former had been made a tender by two earlier acts, which had been allowed to expire. Foreign gold coins ceased to be a tender on the 1st November, 1819; and, on the 3d March, 1819, the act of the 29th April, 1816, was continued in force, so far as related to crowns and francs, until the 29th April, 1821. On the 3d March, 1821, it was further continued in force, to the same extent, until the 29th April next. From assays lately made at the Mint, the value of these coins, per ounce, has been ascertained to be greater than that of Spanish milled dollars, and of American silver coins.

It is believed the acts above referred to were passed with little or no opposition, and that no complaints have been made respecting their practical effects; and when we take into view the increasing difficulty of fulfilling engagements by specie payments, which is the inevitable consequence of the acknowledged diminution of the aggregate amount of our metallic medium during the current year, the expediency of continuing crowns and five franc pieces a tender, for a further term, forces itself upon the minds of your committee more strongly than at any former period.

It is believed that the gold coins, both foreign and domestic, have been almost wholly exported. They have certainly been withdrawn from circulation to such an extent, that some very intelligent writers have asserted, with every probability of being correct, that there is not now in the United States one gold coin for every thirty that were in the country five years ago. Without inquiring into the causes which have produced this extraordinary drain, it may be added that they have, likewise, operated to rid us of American and Spanish milled dollars, to nearly the same extent, and have left in the country scarcely any of its usual metallic currency, except that which consists of the crowns of France, five franc pieces, and those silver coins which are of denominations less than a dollar.

In corroboration and illustration of the foregoing statement, your committee beg leave to subjoin a few well ascertained facts:

There is, and has been for many months, an uninterrupted and rising demand, in our seaport towns, for all descriptions of gold coins and dollars, for the purpose of remittances to foreign countries. It it well known that the former are never underrated in any country,

whilst the Spanish milled dollars have a universality of circulation exceeding that of any other coin. The American dollar is received in the East Indies at from one and a half to two per cent. less than the dollar of Spain. There is very little foreign demand for five franc pieces, and none for crowns.

The balance of specie and bullion exported from the United States, during the fiscal year ending on the 30th of September last, according to the custom-house entries, amounts to $7,434,634; but it is supposed that the law prohibiting the landing of specie, without a previous entry at the custom-house, particularly that which comes from countries where its exportation is forbidden, is sometimes evaded. Whether this surmise be true, and to what extent, the committee will not undertake to say; nor does any thing beyond an allusion to it fall within the scope of the present inquiry. But when it is recollected that the amount of specie exportations may also be underrated, from a portion of it going out of the country without entry, it requires no great stretch of credulity to believe that the balance against the United States for the said year amounts to at least six millions of dollars.

There is no reasonable ground to suppose that the account current has assumed a more favorable aspect for the last four months; and there is less doubt that the said balance was made up principally, if not altogether, of gold coins and of dollars.

In consequence of the high rate of all foreign exchange, especially that of England, which has for a long time vibrated from 10 to 12 per cent., it has been confidently asserted that some of the banks in the largest commercial cities in the Union, in conducting which great skill and foresight have generally been discovered, have at this time on hand a greater amount of crowns and five franc pieces than of all other descriptions of specie; and that none of them have much gold of any kind, and scarcely a single American or Spanish dollar.

Your committee have no reason to believe that a better state of things exists in either of our other cities, with the exception, perhaps, of Philadelphia; the proximity of whose moneyed institutions to the Mint affords them some little additional facilities in procuring coins in cases of emergency; and not including the Bank of the United States, which possesses a decided advantage over all the others, on account of the revenue deposites; yet, notwithstanding such an immense advantage, this bank, at one time, found it necessary to import quantities of foreign coin, specially with the view to meet any possible exigency which might press upon it.

As one among the many proofs that might be adduced to show the extent and rapidity with which specie has been banished from the United States, the committee submit a statement, which they think will not be contradicted, that the specie in the Boston banks, which, in January, 1821, appears to have amounted to nearly two and a half millions of dollars, was, in June last, reduced to $406,275. It is impossible to state, with any certainty, the comparative extent of the whole diminution in the United States; but many commercial men estimate that about one-third of all the specie in the country left it in the course of the last year.

Should the act of Congress, making the crowns and francs a lawful tender, be suffered to expire at this time, and any serious or large demand be suddenly made upon the banks, they might find it extremely difficult, if not impossible, to meet it. Such an event would be highly injurious, and it might, therefore, be dangerous to degrade their present metallic capital. Even now, with what they have in their vaults, they are frequently subjected to unpleasant embarrassments in providing for the demands which are occasionally made from one commercial place on another; and it is believed that, for nearly a year past, their principal support and credit have been derived from mutual forbearance, superinduced by mutual wants, and a community of interest.

To prove that these conjectures are not fallacious, the committee will not go beyond the banks in the District of Columbia, under the immediate eye of Congress. By a schedule of the situation of the eleven banks in this District, contained in a report submitted to Congress in April last, it appears that, at that time, with capitals exceeding, collectively, $5,000,000, they had an aggregate of $955,712 in notes, in circulation; and only $262,187 of specie, in all their vaults.

Under the present state of the money market, should it long continue as it now is, a formidable reaction must ensue, by the depreciation of all property, the withdrawal from circulation of most of the safe paper medium, and the consequent bankruptcy of very many of our most enterprising merchants.

Whether banks have been productive of more good than evil it is not necessary to inquire; but it may be stated that they are now so completely fastened upon the community, and their credit is so intimately connected with the moneyed interests of the country, and any shock they might experience would be so severely felt, that it would seem to be the policy of the General Government to afford them support, compatible with the discreet exercise of its exclusive power to regulate coins. Past experience, and present exigencies, clearly demonstrate that we cannot yet dispense with the use of foreign coins, although it was confidently predicted, thirty years ago, by some of our statesmen, that their beneficial tendency would be superseded, by the operations of the Mint, within the space of three years.

The committee are aware of the inconvenience of using a variety of coins, unequal in their purity; but cannot resist the conviction that, as a temporary expedient, it would be wise in Congress to extend its fostering care to the banks, by assigning a determinate legal value to the almost only coins now remaining in their vaults.

There is another consideration which ought, perhaps, to be adverted to. If the act making crowns and francs a tender be suffered to expire, the banks, with the exception of those at Philadelphia, will be compelled to transport those coins to the Mint, at great expense, and some risk, for the purpose of being converted into American coins; and when that shall be done their new character would give them an immediate passport to Europe. The committee, therefore, conclude that, while it is admitted that the rate of exchange is heavily against us, the precious metals rapidly vanishing, stocks going abroad, property depreciating, and insolvencies multiplying, every inducement should be held out for the importation of specie and bullion, and for the retention of that which our capitalists now possess.

The committee have prepared a bill, continuing crowns and five francs a lawful tender, as heretofore, until the 4th day of March, 1825, which they ask leave to report.

TREASURY DEPARTMENT, *Jan.* 30, 1823.

SIR: In reply to your letter of the 15th instant, requesting my opinion of the expediency of prolonging the continuance of the Mint at Philadelphia, I have the honor to state that, in my opinion, a due regard to the public interest requires that that establishment should be continued for some time longer at Philadelphia.

The present state of our currency also justifies the conclusion, that the act of the 3d of March, 1821, continuing in force, for the term of two years, so much of the act of the 29th of April, 1816, as makes crowns and five franc pieces of France a legal tender in the payment of debts, ought to be continued for a limited period.

I remain, with respect, your most obedient servant,
WM. H. CRAWFORD.

Hon. WM. B. ROCHESTER,
Chairman of Select Committee, &c.

SUPPRESSION OF PUBLIC DOCUMENTS.

Mr. CAMPBELL, of Ohio, submitted the following resolution:

"*Resolved*, That a committee be appointed to ascertain by whom the suppression of the paragraph, in the letter of William R. Dickinson, Cashier of the Bank of Steubenville, to the Secretary of the Treasury, dated the 3d day of April 1819, and by him communicated to this House at the last session, was caused, with leave to sit during the session, with power to send for persons and papers."

Mr. C. said, that, in submitting this resolution, he disclaimed any thing like personal motives. He stood in the relation of good-will to all the persons who might be implicated in any manner in this inquiry. If he knew himself, he said, he did not bear ill will to any human being that breathes. But, inasmuch as he had taken some part in the discussion of the resolution, out of which grew the late report of a committee upon this subject, he was in some degree induced by that consideration to propose a further inquiry on the subject. When advocating that resolution, he said, he was under the influence of an indignant feeling—a feeling natural to all men on suspicion of a fraud having been committed, and that was the only feeling of his heart on the occasion. He did not mean to say that it would be practicable to discover who was the author of the mark on that document, (A 5)—but inasmuch as a majority of the former committee considered the powers of the committee too circumscribed to allow them to go into a full investigation of the subject, as far as it might be carried, he had thought it would be well to clothe a committee with powers more extensive. In submitting this resolution, he by no means meant to cast any reflection on the former committee. The report itself, and the quantity of documents annexed to it, prepared in so short a time, proved the industry as well as the ability of the committee; to whose report he did not mean to urge any objection. He did not mean to say, that, if this resolution were adopted, the inquiry would result in the detection of the author of the erasure. But, inasmuch as the report of the former committee declares that certain persons did not do it, it was proper to ascertain, if possible, who did do it. If it should not be possible, the committee would so report. Some, however, whom he had consulted, thought that, to institute a further inquiry, would be to give unnecessary importance to a small matter. In that report of the committee, however, it had been stated to be a matter of consequence, and the manner of their investigation of it showed that they believed it be so. Having made it so, it had become proper to investigate it further. It is due, said he, not only to ourselves, but to the nation at large, that it should be investigated; for in almost every newspaper we meet, we find something on the subject. It is not my intention, in submitting this resolution, to impugn or attack anybody. It is altogether unknown to me upon whom the charge will rest; and if a discovery of the author of the erasure in question should be made, he hoped it would turn out to have been made with other than criminal views. In whatever manner it had been made, the result of it had certainly been in the nature of a fraud on this House. With these views, he submitted the resolution to the disposition of the House.

Mr. WRIGHT, of Maryland, hoped the resolution would be agreed to, and that the inquiry would be prosecuted further. We are ourselves, said Mr. W., all implicated in that report, which connects the matter with some member or members of this House, whose names are not disclosed. As he had remarked, in the discussion of the first resolution on the subject, let it affect whom it may, it ought to be probed to the bottom. If there be a Judas within these walls, said Mr. T., let him be detected and expelled from them. There are members of Congress alluded to in the report and evidence, whose names are not disclosed. I wish to know who they are, and how these papers ever went into the possession of others than officers of the House. I wish to know who did make that mark with a pencil which every body denies having made. I know that I had nothing to do with it, and I wish to know who had. He hoped, he said, the whole case would be brought before the House. If any one had trespassed upon the rights of the House so far as to strike out any part of a document to prevent its meeting the public eye, he wished to know who that person was.

Mr. EDWARDS, of North Carolina, said, he did not consider it necessary, in the very few remarks which he should make on this subject, to disclaim personal motives. He had no feeling but such as ought to enter into the motives of every member of the House. It seemed, from the report of the committee, that certain persons, to whom suspicion had attached, were not the authors of this suppression, or of those marks which led to it. It then became the duty of every member of the House to proceed with the investigation, so as to ascertain who were the authors of those marks. Where have the documents been? Who had them before they were printed, and who has had them since? Are the members, or the officers of the House implicated? If so, what member, or what officer of the House did it? I do not mean to impute to any one an act so criminal, so abominable, as that of making the mark

and then accusing others of having done it. But, Mr. E. said, nothing was of more importance than that the channels of intelligence of this House should be pure: if any thing corrupt came through them, it ought to be exposed, and the corruption purified. If any thing had corrupted the channel of information to the House, the members could not be better employed than in investigating it. He thought the resolution ought to pass, and that the House was under obligations to the gentleman who introduced it.

Mr. Hamilton, of South Carolina, said, before the House came to a decision upon a question of this nature—for the very inquiry presumed something like guilt, there ought to be in the possession of the House something like testimony to sustain that imputation, derived either from concatenation of facts, or from fair inference from the facts. He admitted that this was a very proper subject for inquiry; that a liberty has been taken with the documents under the control of the House; and that it was perfectly proper that the House should adopt such a course as would lead to a full examination of the subject. He had understood that, formerly, so highly had the sanctity of the documents appertaining to the House been regarded, that it had not been permitted to any individual to touch them; that, when Mr. Gallatin sent his celebrated report to the House, even the sight of the proof-sheet had been denied to him. The rule was a safe one, though it had been carried, in that instance, perhaps, to the extent of needless fastidiousness. Before this resolution passed, however, he wished to know upon what motives it was founded. It was a reflection upon the House, to suppose that any individual in it was so miserable a miscreant as, for the purposes which had been suggested, to deface the documents. If we apply to this subject the motives which actuate individuals in their common actions, we cannot realize an adequate motive for such an act. Say that a friend of the Secretary of the Treasury had made the erasure, what could he expect from it? If, on the other hand, it had been done by a person desirous to injure that officer, he could not have been engaged in a more bungling transaction. If any individual possessed information which went directly to show that there was any ground for this further inquiry, Mr. H. was desirous that it should be stated. But, without such information from a member of the House, Mr. H. said, he would not, by his vote, warrant the inference, that any member of this House would be guilty of so base an act as seemed to be insinuated by the arguments in favor of this resolution.

Mr. Hardin, of Kentucky, did not, in supporting this resolution, mean to cast any censure on the committee which has already had the subject under consideration. He concurred in opinion with the gentleman from Ohio, who said that they had faithfully and diligently discharged their duty. But, he said, it appeared from the records of the House and the evidence before the committee, that, when these came from the Treasury Department, a motion was made to print the report and documents. A division of the question was called for, and the report was ordered to be printed, and not the documents. If he understood the evidence, Mr. H. said, when a member opened and examined these documents, for the first time, he did not discover the erasure which had given rise to the present motion. One thing in regard to this matter was certain: that the Treasury Department wished to make no concealment of the erased part from the House, because every word of the passage was as legible as before it was crossed, and there was nothing in it which could induce the Secretary of the Treasury to desire a concealment of it. The first time the original documents were examined by a member of the House, it appeared, from the evidence, he did not discover any marks of erasure in them. The next time that the same member examined them he discovered those marks. One thing, Mr. H. said, he should like to know—whether the documents were out of the possession of that member at any time from the moment he took them, after breaking the seals, from the office of the Clerk, until he returned them? They might, perhaps, have been in other hands, and the scoring of the passage in question might have been made only to the end that it might be more readily referred to thereafter. But what Mr. H. particularly wanted to know, was this: Who was the member of this House or of the Senate who chose, after supposing that the Treasury Department had been plotting with the Public Printers, instead of bringing the question before one or the other House, to resort to the columns of a newspaper, under an anonymous signature—a paper, too, famed, perhaps, for any thing else than correctness; a paper which, he was bold to say, contained more misrepresentations of fact than any paper he had ever examined in the United States. If any member had done it, it was unparliamentary and ought not to have been done. And, Mr. H. asked, does not this fact appear to be established by the evidence? And what more appears in relation to this matter? Why, that after a committee has been raised in this House on the letter of Gales & Seaton, two or three letters are published in the same newspaper, implicating these persons, when the fact of their innocence in the matter was as well known as if the committee had reported. If it was a member of this House who chose that dirty mode of proceeding at first, why did he persist, day after day, in pressing the matter in the newspapers, when it was undergoing an inquiry by a committee of this House? The information of who that man was, might lead to a not very violent inference of who it was that made the erasure now in question. It appeared from the evidence, that, previous to these publications in the Washington Republican, there had been consultations among those members who were privy to, or concerned in, these publications. Mr. H. said he wanted to know all the particulars of those who were concerned in, what he called, a little dirty conspiracy. I wish to know, said he, who this A. B. is; and, as the gentleman from Maryland has said, if we have a Judas among us, let us know who he is. The facts to which he had adverted were such as appear from the evidence an-

nexed to the report. He did believe that the pencil-marks so often referred to in the letter (marked A 5,) had been made after the documents left the Treasury Department—not, that he knew, with any improper design. What he censured was, the attempt to ruin innocent men, on the pretence, knowing it to be false, that this erasure had been made by the Public Printers. It appeared that it was not any of the members examined before the committee that made the erasure. Who did it he did not know, but he wished the committee raised to ascertain that fact.

Mr. COOK, of Illinois, said he should be wanting in that respect which was due to himself, and which every honorable member of this House ought to entertain for himself, were he to remain silent after the observations which had been made. He thought the inferences, from the remarks of gentlemen, connected with the evidence referred to, must be intended to be irresistible, that the documents having passed into his hands, it must be in his knowledge who made the marks in question. These intimations, Mr. C. said, were what were secretly circulated, but which could not fail to reach his ears. Of such whispers, however, he did not permit himself to take notice; but when declarations of the same import were made on this floor, he should be wanting, in respect to himself and to the House, if he did not repel them. I have *sworn*, said he, and I am ready to march to the altar of my God, and swear, that I am not the author of these marks.

Mr. EDWARDS, of North Carolina, said, if the gentleman alluded to any thing that had fallen from him, he had no design to impute to that gentleman any mistatement. He had particularly mentioned, indeed, that it was in evidence that the documents were not defaced by the gentleman into whose hands they first passed (meaning Mr. COOK.)

Mr. COOK said, his observation had been elicited by the concurrent tendency of the remarks of the gentlemen from Maryland and Kentucky and the gentleman last up. It is probable he should not have been impressed with the same feelings of indignation which now moved him, had he not heard such observations whispered about, which he had not been able to trace to a responsible person. When, said he, it is proposed again to refer this subject to a committee, I feel it to be a subject which ought to be investigated from the beginning to the end of it. For I feel well assured that the committee who have had this subject under consideration, have not understood it fully. They have not understood the nature of the omissions in these documents, which, in their honesty, confiding in their own purity, they did not believe could relate to other things than matters in themselves unimportant. Mr. C. said, his object in rising was to call the attention of the House to the subject in its fullest extent. He wished them to report the facts in the case, which would bring the whole subject into the public view—the marks, the matter, and the substance of the whole correspondence between the Treasury and the banks. find, said he, that letters have passed between the Treasury Department and these banks, to the dates of which, and to the subjects of which, reference is made in some of the documents, which letters have not themselves been communicated to this House; and the passages, the marks upon which are acknowledged to have been made by one of the clerks in the office of the Secretary of the Treasury, are of a nature different from what the committee supposed they could be. He alluded to that part of a letter from the Huntsville Bank, which the committee said related to nothing but a quarrel with another bank. This, Mr. C. said, was a mistake entirely; and he quoted the passage of that letter, as contained in the report of the Committee of Investigation, beginning with the words, "Your conjecture, in relation to your circular of the 11th July last, is correct," &c. Here, Mr. C. said, were important facts alluded to, and, on examination, it would be found that the facts are important, and are not connected with individuals or bank quarrels. The Bank of Huntsville, said he, is made the depository of the public money in July, 1818; the terms upon which it is thus made the depository are agreed upon. Ten months afterwards, the bank complains of the operation of its contract, and a new one is sent and the original one withdrawn, and it is stated in a letter from the bank that, agreeably to the wish of the Secretary, it is returned. No document before this House shows any thing of this request of the Secretary to return the first contract, nor is there any thing in any part of the correspondence, except so far as the fact is disclosed by this suppressed paragraph, that shows that there ever was a second contract made more favorable to the bank than the first. This paragraph, then, supposed by the committee to be so immaterial, discloses what no other document does.

[A member here asked if the hour allotted for the reception and consideration of original motions had not arrived. The SPEAKER said it had, and this subject must be considered at an end for this day, unless by unanimous consent of the House to its continuation. Mr. LINCOLN objected to the continuation, desiring to make a motion to lay this subject on the table. This motion could not be received, Mr. COOK being entitled to the floor, if any thing was to be done relative to the subject. Finally, Mr. LINCOLN waived his objection, and the discussion went on.]

Mr. COOK resumed. In relation to the documents connected with the Huntsville Bank, he repeated, the suppressed paragraph to which he had alluded would be found to have a most important bearing. There were other letters referred to by dates in the documents, which were not communicated to the House, though clearly connected with the whole subject. He found, in relation to the Bank of Vincennes, that the Secretary of the Treasury had made propositions to that bank, on conditions specified, and afterwards made new propositions, which were better for the bank. The first propositions are not sent to the House, though thus referred to. Referring to the notes on his desk, Mr. C. said, he found the digest which he had made of the various correspondence

in such confused order, that he could not refer to the papers as particularly as he intended. But he wished this committee to be appointed, or the powers of the former committee to be extended, so as to bring into view all the evidence, &c. One point in this case, Mr. C. thought it proper to bring before the House. On his examination before the committee, he had stated that he knew who this A. B. was, and gentlemen seemed disposed to compel a disclosure of his name. Sir, said he, has the second Reign of Terror come? Is not only the President in office, but he who is seeking to be President, to be armed with power to bring any individual to the bar when he chooses——

[The Speaker said that personal allusions ought not to be indulged in.]

Mr. C. said he was speaking of the principle, not the person. He asked the gentleman from Kentucky, and he asked this House, where does it derive the authority to invest a committee with the inquisitorial power to compel a man to disclose who does or does not write certain articles in a newspaper? If any individual be injured by this writer, said Mr. C.—and I here disclaim, as I have done before, all connexion with this correspondence—he has his remedy; but where do you find the inquisitorial power of controlling the right of all the citizens to discuss all subjects which involve the political character or pretensions of individuals, or of the Government at large—of appointing committees to ascertain, by compulsory process, who are the writers of certain articles in the newspapers? He remembered, he said, that in the year 1797, an act was passed by Congress, of which he would read a section. [Mr. C. here read a section of the old sedition law.] When, said he, we look back to the period when this law was passed, almost every bosom swells with indignation at the attempt then made to trample on the rights of the citizens, and to suppress such investigations as might be made into the conduct of public agents. By the almost unanimous consent of the people, that law was expunged from the statute book; it was pronounced by them to be a direct violation of the Constitution of the United States; and yet, notwithstanding that we hear this law and its projectors abused, villified, and denounced as enemies to the liberty of the country, and as attempting to surround themselves with an atmosphere of corruption which should not be invaded; yet honorable members rise in this House at this time of day, and say we will invest a committee of this House with power to do more than that law empowered the courts to do. For, what is the object of this attempt to ascertain who was the writer of the articles in the newspaper, unless there is an intention to follow it up with such punishment of the offender as you choose to inflict? Where is your power to punish the offender? Where is your right to inquire respecting him, if you have not the right to punish him? Is an officer of this Government to shield himself from an investigation of his conduct by the exercise of such a power as this? And is he who dares to step forward in defence of the rights and liberties of his country, to blast the hopes or prospects of any aspiring individual, to be brought to punishment by the inquisitorial power of this House? Such a power would be worse than the powers of the Spanish Inquisition; and, if such proceedings were to be carried on here, said he, we should, like Cromwell's Parliament, be kicked out of this House, not by an usurper, but by the people. The people of this country will not consent that any individual shall be sheltered from investigation of his conduct or claims, at the peril of the Sergeant-at-Arms of this House. The people will not submit to it. They have had a trial of it in a milder form—in the form of law, and with an unanimous feeling of indignation they refused their sanction to it. What did gentlemen mean to do with this individual, when they detected him? One had said he would bring him to "condign punishment." What punishment is it he would inflict? This is taking rather rank ground—it is shifting our ground; the times of ninety-eight are gone by, and worse times are coming—brought on, too, by those who were the first to denounce the times of ninety-eight. And is this the object of gentlemen? I know what would be my situation, sir, in case of an attempt to violate my right in the manner suggested by gentlemen; I would meet your rigors with contempt. We have, in this attempt, a specimen of what we may conceive the ulterior operations, if the measures are taken which are desired by some in this country. The people will see that an attempt is making to surround, by a bulwark which cannot be passed, the individuals who are to administer this Government. The people of this country will feel this attempt to shelter the conduct of a public officer from investigation. The people will see and appreciate this attempt to prostrate the freedom of the press. The press is only dangerous to tyrants and to men who are undeserving of public confidence. But if this impassable fortification is to be placed around any individual, the freedom of the press is gone, and liberty is deprived of its greatest defender, a free and unshackled press. The people of this country will rebel against these attempts to put down the freedom of the press; they have done so before, and they will do so again. Mr. C. in resuming his seat, moved the following amendment:

"And that the said committee be instructed to prepare and report to this House a digest of the evidence contained in the printed documents, (in which the said printed letter A 5 is included,) if any such there be, to show whether uncurrent or depreciated bank notes were taken in lieu of cash, from any of the banks in which the public moneys were deposited. Whether the public moneys have not been discontinued to be deposited in branches of the United States' Bank, and placed in certain local banks, situated in the same towns or neighborhood, without complying with the directions of the law on that subject; and whether such transfers have not resulted in loss to the Government; whether the public money has not been loaned to those banks, in which standing deposites were made, under the name of deposites; and whether such loans or deposites have not resulted in loss to the Government; whether security was not neglected to

be taken in some one or more instances for the punctuality of one or more banks, which proposed to give such security, and whether such failure has not resulted in loss to the Government."

Mr. CONDICT, of New Jersey, moved to lay the resolve on the table: at the request of Mr. HARDIN, however, as that motion precluded debate, he withdrew the motion.

Mr. HARDIN wished to make one or two remarks on what had fallen from the gentleman from Illinois. He repeated his impression that the erasure (in A 5) was not made either at the Treasury or by any officers of the House. When up before, he had said, and he verily believed, that the erasure was made by some gentleman who had examined the papers before they were ordered to be printed, for the purpose of enabling him with greater facility to refer to that particular passage. One object of his inquiry was, whether any other member than the gentleman from Illinois had seen those papers at that time. I know, said Mr. H., that the gentleman stated in the committee that he did not make the erasures, but not that he did not know who made them. [Mr. COOK said he did state, and he now stated again, that he did not know who made the marks.] Mr. H. said he wanted to know if any individual, besides the gentleman from Illinois himself, had examined those papers whilst they were in his possession. The part of the subject to which he wished to direct the attention of the committee, which was to be appointed, was this: who is the member of this House, or of the Senate, that, instead of availing himself of the parliamentary, Constitutional, and natural mode of correcting abuses, or supposed abuses, has resorted to anonymous publications in the newspapers? He thought it was an unparliamentary proceeding, the object of which was more to inflict injury, than to arrive at truth. But, even after a committee was raised to inquire into the truth of that very publication, and whilst the subject was under examination before that committee, we have seen other numbers from the same pen, aggravating the charge first made. If it be a member of this House, who has done it, said Mr. H.—what others may think upon the subject, I know not, but, for one, I would expel that member from the House, as unworthy of sitting on this floor. The ascertainment of the writer of those letters, might, also, give us a clue to ascertain who it was that made this erasure. If the committee should push their inquiries so far as to ascertain who A. B. is, I would expel him. Not, Mr. H. said, that he would violate the principles of the Constitution, or exercise an inquisitorial power. This was not the only particular in which he did not concur in the ideas of Constitutional power and right, which seemed to be entertained by the gentleman from Illinois. According to the principles of our Government, I know, said Mr. H., you cannot make a man give evidence against himself. But, it seems, a new principle is introduced, as exemplified in the testimony taken before the former committee, that, when a man is sworn to tell the truth, the whole truth, and nothing but the truth, he has a discretion whether to tell it or not—and he will resist the authority of this House rather than not violate his oath—for I understand that suppression of truth is in effect the expression of falsehood. No doubt the gentleman had acted thus from motives satisfactory to himself: but, Mr. H. said, he could not subscribe to the doctrine that a witness, once sworn, is not bound to tell all he knows upon the matter in question, unless his answers would go to criminate himself. If, on the printer being examined, it should appear to be against the established rules of the press to give up the author of A. B., Mr. H. said he did not know that he should be disposed to punish him. He wanted the question put to them, and, if they refuse to answer, and plead their privileges, let the nation judge of the motives for such concealment, where facts only are pretended to be disclosed. Mr. H. did not appear here as the advocate of any one: he was in favor of the original inquiry, and he was in favor of the present inquiry. He did not wish this House, or any other tribunal, to extend its power beyond what is compatible with the Constitution and the liberties of the country. He was not for establishing a despotism here: he was not in favor of the law which the gentleman read, nor, said he, am I in favor of any who favored that law—that is more. I am in favor of liberty, and against all sorts of conspiracies, whether in this House or out of it. What was at first an attempt to inflict an injury on the printers to this House, Mr. H. said, had been swelled into importance by the turn it had taken. For himself, he was under obligations to no one who was implicated in the matter, neither was he the partisan of any one. He wished, however, to know who the concealed writer was, if a member of this House, considering the course he had pursued as unparliamentary, undignified, and disreputable.

Mr. LITTLE, of Maryland, said that he did not intend to take any part in this unprofitable discussion, now becoming personal; but he rose for the purpose of calling the attention of the House to the indispensable and important business of the nation on the table, not yet acted upon. Conclusively, he would test the sense of the House in further continuing what, he repeated, was an unprofitable discussion. For which purpose, he moved to lay the resolution on the table; on which question he asked the yeas and nays.

The question being taken on laying the resolution on the table, the motion was negatived.

Mr. WRIGHT remarked, on rising again, that, when this subject was first stirred in the House, he had been in favor of the inquiry then, as he was now, and he heard, on that occasion, none of these delicate apprehensions and invidious remarks about a sedition law, at which he had no doubt that every member of this House, as well as the whole nation, would revolt. He was sorry to find the gentleman taking up the subject as he had done, not upon its merits, but upon irrelevant considerations. Mr. W., however, had no hesitation in saying, if any member of this House had been the willing instrument in this business, he would vote to expel him.

Mr. Campbell here called Mr. Wright to order, as he said he was determined to do every gentleman who departed from the question before the House, which question now was, on agreeing to the amendment moved by Mr. Cook.

The Speaker said, the question being on the amendment, the gentleman from Maryland was certainly out of order in the latitude of his remarks.

Mr. Campbell then said, he accepted the amendment proposed by the gentleman from Illinois, as a part of his motion.

The Speaker then said, the main question having recurred, the whole subject was now open to debate.

Mr. Wright resumed. He regretted the gentleman from Ohio had accepted the amendment, because it was calculated to divert the inquiry from its proper channel. He was sorry, he said, to see the gentleman from Illinois waxing warm on this occasion. He had a high respect for that gentleman, and he hoped that nothing would be disclosed by this inquiry to affect that respect. When, said Mr. W., we come to examine the circumstances, as presented to us by the committee, and particularly upon the oath of the gentleman from Illinois himself, we find enough to determine that the inquiry proposed by my friend from North Carolina ought to obtain. As I remarked before, if there be a Judas among us, let us discover him; and, in this case, in the evidence of the gentleman himself, we find grounds for suspicion. From the moment I read the testimony, it was marked in my memory. I found that the gentleman, at the last session, moved a resolution calling for certain papers; that those papers were sent, under seal, to this House; that they were put into the possession of the same gentleman, and remained in the possession of him and his friends, from Friday to Monday. The Secretary of the Treasury declares he made no such marks, and his clerk swears that the marks were not made by him; we find, therefore, that the letter came here unmarked. The very nature of the communication, and sending *all* the letters, marked or unmarked, must satisfy every mind that there was no desire, on the part of the Treasury Department, to conceal any thing from this House—the whole being as legible as if no passage of it had been crossed; and the gentleman from Illinois himself says that, when he first looked over these papers he did not see the marks. If the printers did not make the marks, nor the Secretary of the Treasury, nor the chief clerk, who did? The right ought never to have been assumed by any member, of breaking the seals of the documents and carrying them away to his room. Mr. W. said, he wished that nothing might be proved detrimental to the fair fame of his friend from Illinois, but the circumstances of this case imperiously called upon the gentleman, for his own sake, to push the inquiry. The character of the members of this House should be, like that of Cæsar's wife, not only pure, but above suspicion. The remarks which the gentleman had made respecting the proposed inquiry for the author of A. B., were not of that aspect which he should wish the conduct of every honorable member of this House to wear. The liberty of the press had been declared to be in danger. What had the liberty of the press to do with marking that letter? The gentleman from Illinois says, in his testimony, that he did not communicate this letter for publication; but he says he had a conversation with Mr. Agg, one of the editors of the Washington Republican, and told him there was such an omission in a document. Was not this a communication of the thing to the editors? Mr. W. said, he thought the committee had acted wrong in allowing the gentleman from Illinois, and others, to decline answering questions put to them. If he had been on the committee, he would not have taken the testimony of any man who would not communicate the whole truth. The suggestion, that communications made to witnesses were confidential, should not have availed to shield them from a disclosure. There ought to have been no restriction to the testimony but that of the principle of law, which says that no man shall criminate himself. Mr. W. referred to the printed evidence: "I know from information," said the gentleman from Illinois, "who the author is, but it was communicated to me in confidence; and I therefore decline giving his name." What was, in effect, the question put to the gentleman, before the committee? Do you know the author of the letter? Yes, I know the author, but I cannot or will not tell who he is. I believe, said Mr. W., if you read the oath administered to witnesses about to testify, you will find no such exception as will authorize them to withhold any part of the truth——

Mr. Moore, of Alabama, here called the gentleman to order. He regretted exceedingly to find himself obliged to call any gentleman to order in debate, and particularly one who could count so many years more than himself. But he thought that the subject which the gentleman was now discussing was not properly before the committee. The gentleman, said Mr. M., is stating what he supposes to be the oath which was administered to the witnesses. I call upon you, Mr. Speaker, to say whether this is a subject properly embraced in debate upon the question now depending. There is one other reason why I think that the gentleman is not in order. I was myself before the committee, and have some right to know what passed there. The gentleman is supposing questions to have been put and answered in a manner different from the facts as they occurred; and this, also, he considered irrelevant to the question before the House.

The Speaker said that the proposition now before the House is, to institute an inquiry, through one of its committees, the object of which is to elicit further information on a subject which has already undergone investigation; and, a member showing that there had not been that full degree of disclosure of facts which might be anticipated from the institution of a new committee, was in order.

Mr. Wright resumed. He said that he himself felt that he was implicated by the report of

the former committee. It appeared, by that report, that no one of those who had the papers before the papers came to the House, or after they had gone from it to the printers, did make this particular erasure. Who did make it then? The marks did not make themselves. The document was not thus marked at the Treasury, as it appears from the report. It went into possession of a member of the House for two or three days, and, when it was afterwards sent to the printers, was found to have been marked. And there appears, through the whole of this business to have been a disposition to implicate the Secretary of the Treasury, and to bring him to the tribunal of a paper established for the purpose, I have no doubt, of defaming him, and industriously circulated throughout the country. Mr. W. said, he despised the printers who attack our public men without evidence, but he should despise them more if they did not attack them with evidence. We ought to investigate this matter, said Mr. W., and come at the truth, with the best evidence we can. The documents in the case, it appeared, had been in the hands of a member before they were printed; and he, having a desire to implicate the Secretary—

[The SPEAKER said he could not allow of this sort of allusion to the motives of members in debate.]

Mr. WRIGHT said he spoke only of facts disclosed in evidence. It appeared that the gentleman did bring forward the original motion calling for these papers, and in speaking to one of the printers of the *Washington Republican*, he told him there was such an omission, which implicated the Secretary. This was the truth, by the gentleman's own oath. Mr. W. here made a remark on the obligation of honor to perform a duty, as compared with the obligation of an oath, which the reporter did not distinctly hear or comprehend. Are we to be alarmed or afraid of examining into the facts of a case because they may operate against a member of this House? He would be as far from implicating a man without evidence as any one on earth; but with evidence, he would not hesitate to do what might become his duty. He hoped the gentleman, for the honor and character of this House, would explain how this mark came, and fix it on the right place, and he considered the appointment of a committee to be important to exculpate us all. If the offence could be traced to any member of this House, he would expel him. He hoped further remarks would be withheld, and that the House would pursue the inquiry, let the consequence be what it might. *Fiat justitia, ruat cœlum.*

Mr. CHAMBERS, of Ohio, said that, whatever might grow out of the resolution, it was very clear to him that no good could grow out of the further debate of it. He therefore rose to require the previous question.

Mr. COOK said he hoped the gentleman would withdraw his motion for a few minutes. It was due to him, (Mr. C.,) that he should have an opportunity of repelling some of the insinuations made against him by the gentleman who last spoke.

Mr. CHAMBERS withdrew his motion.

Mr. COOK said it had not been his intention to have said any thing more on this subject, if it had not been required of him in self-defence. But that had been said, which gave an imposing appearance to implications against him, and which the gentleman from Maryland himself would be sorry for, when he knew that he had misrepresented his testimony, and the effect was the same, whether the misrepresentation was accidental or intentional.

Mr. WRIGHT said he could not have mistaken the gentleman or misrepresented him, for he read from the printed testimony what he had imputed to him.

Mr. COOK said the gentleman cannot have read it from the testimony, because it is not there. The gentleman says I spoke of this omission to Mr. Agg, and implicated the Secretary of the Treasury.

Mr. WRIGHT explained that he stated (or intended to state) that the effect of his communication to Mr. Agg would be to implicate the Secretary of the Treasury.

Mr. COOK. The gentleman should separate what I state from the effect of what I state, when he professes to repeat my testimony. The gentleman has gone into a course of examination of my testimony, which leaves upon his mind impressions which involve my reputation, and then supposes me to be opposed to an inquiry. But, I peremptorily deny that I am opposed to an inquiry, to the fullest extent; and the gentleman is not candid towards me, whether by inference or direct assertion, when he intimates that I am opposed to a direct inquiry. I stated, when up before, that I was in favor of the inquiry, desiring it only to be more comprehensive.

Mr. WRIGHT. The gentleman has said that this inquiry would be worse than the Spanish Inquisition. I leave to the House to decide, from such language, whether he is opposed to it or not.

Mr. COOK. The gentleman has stated inferences not warranted by the fact. He has stated as fact what is not in the report. He says Mr. Dickins has sworn that he did not make these marks. The gentleman says, likewise, that I took an unwarrantable license in breaking the seals of the envelope enclosing these documents, and carrying them to my room. I stated in evidence, however, that I asked permission of the Clerk of the House to take these documents to my lodging, for the convenience of there looking over them, and that I broke the seals in the presence of the Clerk of this House, and of the Clerk of the Secretary of the Treasury, who was in waiting to make alterations in this very report. If these documents had never been printed, and no member of this House had been permitted to examine them, the consequences which would result from understanding them never would have been known or felt by the country. But the gentleman from Maryland, said Mr. C., has indulged in another observation, which a regard for my character requires me to take notice of. The gentleman says he would not regard the testimony of a witness

who would decline answering any question propounded to him, no matter how impertinent or how repulsive to his rights. I disclaim the right of this House to know from me the author of this publication; I disclaim the right of any committee to ask me a question upon any matter communicated in confidence to me. I know my rights. Was it to be conjectured, Mr. C. asked, because he knew his rights, and was determined to exercise them, he had an occult motive for concealing the truth? The House would appreciate the argument of the gentleman at its proper value. And the gentleman from Maryland, Mr. C. said, had shown a zeal, at least equal to his youth, to break down the Constitution, and to violate the rights of the citizen, for the purpose of gratifying feelings, whether public or private, it was not his purpose to inquire; the House would take the gentleman's statements, incorrect as they had been, for what they were worth. But, Mr. C. continued, the member from Maryland is willing to expel any member of this House who dares to exercise the right of discussing, in a Constitutional way, the conduct of public men——

Mr. Wright. I said no such thing. When and where did I say any thing of the sort? I said that he who made a mark on a public document, and then charged it, in an anonymous essay in a newspaper, on the printers or on the Secretary of the Treasury, ought to be expelled the House; and, if the gentleman did so, or any other member did so, I have no doubt that the gentleman, who, in his zeal, identifies himself with the writer of that paper, would feel as much contempt for him as I do.

Mr. Cook said that the explanation still amounted to this: that the gentleman is willing to expel a member of this House because he has dared to exercise the Constitutional right, in a Constitutional manner, of discussing a public matter in a public manner. But another fact had been stated by the gentleman from Maryland, which was not to be found in the testimony. The documents, he says, were in possession of myself and of my friends; and when the gentleman imputes to me statements which, if I had made them, would not be true, I say that his zeal outruns his judgment, and his anxiety on one point makes him infringe on the bounds of right in another. But the gentleman has adverted to the testimony of Mr. Dickins; and I will for a moment also advert to it, speaking from recollection of its substance. On the first day of his examination, Mr. Dickins states he has no recollection of the letter A 5. On the second, when he is pinned down to the fact, that he has made a marginal note in red ink on the letter, and must have examined it and read it through, because he could not have made the note without reading it, then he does remember. He remembers having referred to it, when the subsequent letter of May 5th was received. On the 2d day, the disclosures of the preceding days having been reflected upon in the night, he says he remembers the letter well; that the letter had lain with others on his table, and that he had referred to it to make the marginal note. This is the progress of events—the influence of investigation—the operation of circumstances disclosed on those which are to be disclosed. On the first day, he recollects nothing of the letter; but in two short days he remembers that it lay upon his table a long time, and that he made a note upon it in red ink he perfectly remembers. If the gentleman from Maryland (said Mr. Cook) is disposed to do me that justice which he pretended to desire—[The Speaker called the gentleman to order for this expression.] If the gentleman had done me the justice to deal as candidly with the evidence of that witness as was due to me, and is as much disposed to do me right as to draw irrational and strained deductions from my own evidence, he would see that the deduction from the testimony of Mr. Dickins is so irresistible, that an honorable gentleman who was as well versed as he is with investigations before juries, would see, that justice would lead him to draw inferences wholly different from those which he has drawn from it. He would find inferences from it to show satisfactorily to his mind that the marks were made at the Treasury.*

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*House of Representatives, U. S.,

February 13, 1823.

Messrs. Gales & Seaton: In your report of the debate in the House of Representatives, of the 5th of February instant, contained in your paper of this day, on Mr. Campbell's resolution, relative to the pencil-marked documents, you make me say, "on the first day, he (Mr. Dickins) recollects nothing of the letter (A 5;) but, in two short days, he remembers that it lay upon his table a long time, and that he made a note upon it in red ink he perfectly remembers." From this report it would seem that I spoke of the testimony of Mr. Dickins as reported by the committee. I said that, in two short days, his remembrance of the letter (A 5) became perfect—whereas, on the first day, he had "no recollection of that letter," and I appealed to the recollection of the committee to sustain my statement, when I said that he said before the committee that he not only recollected referring to the letter (A 5) at the time the letter was received, to which the red ink note referred, but that he "recollected that letter had laid some time upon his table after it was received, and before it was filed away." This does not appear in the report of his testimony, but remembering it well myself to have been stated, I appealed to the committee to say whether I did not correctly represent his statement.

In another part of the report you make me say, "I did call for them, (the documents.) Sir, I called for them once, and the call is answered. The answer disclosed the existence of other documents pertinent to the call, and, because they were not communicated, I made another call. The letters in answer to that call are not sent yet. I moved a third call on the last day of the last session, and that call remains unanswered." Now, the observations which I am made to express, "that the letters in answer to that (the second) call are not sent yet," I did not make. It would not have been warranted by fact; and I presume you have understood my remark, that the answer to the third call was not yet sent, applied to the second. I deem it proper to make these corrections, because I had had no in-

Mr. TATTNALL, of Georgia. I call the gentleman to order. The observations he is making are not at all connected with the subject. I will not venture to express what are my feelings at such an attack on the character of an absent individual, as the gentleman has just made—an attack not connected with the subject before us.

Mr. MOORE, of Alabama, called Mr. TATTNALL to order, as taking the floor from Mr. COOK.

The SPEAKER said that the observations of the gentleman from Illinois were not a breach of order; what they were abstractedly he could not undertake to determine.

Mr. COOK repeated, that, if deductions were to be drawn from facts, the deduction from the evidence in this case was as irresistible as any deduction from facts can be, that the marks were made by the Clerk at the Treasury Department. And the gentleman from Maryland states my evidence incorrectly. I stated, in evidence, that I examined the documents slightly. Yet the gentleman would lead us to suppose that I had given them a close examination. [Mr. WRIGHT denied having said this.] I understood the gentleman to say so, added Mr. COOK. So far as I have understood him wrongly, I take great pleasure in correcting myself. But the honorable member finds another soil in which suspicion sprouts. He finds in the fact, that I called for these documents, something peculiar. I did call for them, sir, I called for them once, and the call is answered. The answer disclosed the existence of other documents pertinent to the call, and, because they were not communicated, I made another call. The letters in answer to that call are not sent yet. I moved a third call on the last day of the last session, and that call remains unanswered. And I ask whether, if, in the prolific imagination of the gentleman, suspicion must be generated, whether a stronger ground for it is not afforded in these facts than that which he has taken? I do not choose to make this suggestion. I leave it to others to make their own comments on it. Whilst, however, the gentleman was displaying the fertility of his imagination and the resources of his genius in conjectures on one side, Mr. C. said he would ask him to extend his conjectures a little on the other, &c. The honorable member from Kentucky, too, had found fault with his (Mr. C's.) refusal to answer a question propounded to him before the committee, and had said that a suppression of truth is equivalent to falsehood. The principle, Mr. C. said, was a sound one. But he asked the gentleman from Kentucky, whether, if a question were put to him which involved his Constitutional rights, it was not his privilege, as a member of this House—as a member of the American community, to refuse to answer a question in direct violation of those rights? He asked where was the right of the honorable member to found a suspicion on that refusal? I consulted my own sense of rights and propriety, said Mr. C., and the question was one which, both in right and in honor, I was bound to object to. But the honorable member has found out there is a conspiracy in this business. It is easy, said Mr. C., to indulge in declamation—or assertion when nothing else is left to the party to found his argument upon but assertion. Where is the evidence of a conspiracy on this subject? Has the gentleman furnished you with any evidence of the fact? Or has he resorted to the same source, whence other suspicions have been drawn—to imagination? [The SPEAKER declared that this language was not in order.] When remarks are indulged on one side of a question, said Mr. C., and, believe me, I mean not to impugn the conduct of the Chair, I have neither motive nor reason to do so; but when arguments are used to produce an effect upon an individual here, candor, equal-handed justice, requires that those remarks should be repelled.

The SPEAKER said, if members allege in debate any fact, and reason from it, they are in order; but imputation of improper motives to other members of the House is not admissible.

Mr. COOK resumed. The honorable member from Maryland thinks the effect of the proposition I have submitted, by way of amendment to the original resolution, will be to divert the inquiry from its proper channel, and that other matter will be introduced, calculated to overlay and smother the first inquiry. If, sir, the honorable member has that desire that purity should pervade every branch of the Government, which he professes to have, I ask the honorable gentleman if it be not, in his opinion, fit and proper to investigate the whole transaction of which the documents are the basis—to show the *quo animo*, the intention with which these marks were made. If there is, in the whole history of this transaction, such a violation of the Constitution and laws of the country, as I apprehend will be developed, I ask whether it is not a source from which to draw a conjecture as rational as any the gentleman has furnished? Is my amendment a suppression of any part of the inquiry? No; it is calculated to bring out the truth, the whole truth, and nothing but the truth. Why, then, I ask, in turn, does the gentleman wish to separate this part of the inquiry from the other. They are twin brothers, connected by the closest ties of consanguinity; and the one furnishes fair grounds from which to draw results as to the other. Am I, therefore, to be represented as opposed to the inquiry because I wish to bring the whole matter

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spection of my remarks before they went to press. I am, very respectfully, your obedient servant,

DANIEL P. COOK.

[The Reporter for the National Intelligencer has no disposition to oppose his recollection, nor even his notes, to those of a member, concerning his own remarks in debate. It would not be at all surprising should the Reporter, where he is posted, misconceive or fail to hear a member, when he is frequently misunderstood by those nearest to him. The repetition of a sentence, moreover, may well deceive the Reporter, as appears to have been the fact in the case of misapprehension, last noticed by Mr. Cook. It would be proper to add, that no member had an opportunity, on this occasion, of inspecting his remarks before they went to the press.]

before the House? Is the honorable member justified—can he reconcile it to his own sense of right, to infer that I wish to prevent inquiry into any part of this transaction? It is not proposed, by this resolution, that the committee shall ascertain who is the author of the publication in the newspapers; and gentlemen have not ventured to submit that proposition to the House. It is better to use it in argument, to meet the public ear, than to bring it forward in the shape of a proposition in this House. Such a proposition, Mr. C. said, he should consider as one of the most important questions that could come before the House—the question of the power of this House to bring to its bar persons who discuss public measures outside of its walls. What did the American people say, when Congress legislated so as to make them amenable to the courts, protected by all the forms of law, &c., for discussions of the character of the Government or of officers of the Government? That law, so to speak, revolutionized this country. The attempt to invade the Constitutional rights of the people was repelled with indignation. But a new tribunal is now proposed, not less odious, he repeated, than the Spanish Inquisition, to wrest from liberty and virtue their true guard, and shield corruption from detection and exposure. This was the proposition gentlemen have not ventured to offer—which the people would receive with indignation. It would be a lawless and tyrannical invasion of the rights of the people, and he trusted it would cover with as much indignation those who project it as the odious sedition law of 1798 did cover its authors. The people never will, while the blood of freemen runs warm in their veins, whilst the genuine feelings of '76 continue to exist, they never will consent that this daring encroachment should be made upon a right, the dearest that we have. Let an individual undertake to discuss in a newspaper the honesty or fairness of our proceedings—is there any one here who would sanction the idea of calling him before us to answer for it? If this, said Mr. C., is to be a foretaste of what we are to have in future, God knows our Constitution is in danger, and the public liberty is in danger. And does a person becoming a member of this House lose his Constitutional right to discuss elsewhere any measure because he becomes a member of this House? If he injure any one, the law affords him redress. If an individual be injured and his fair fame torn from him, the Constitution has given him ample remedy, by authorizing him to apply to a court of justice for redress. This is the remedy for the abuse of the press; and it is the only one which the people of this country, living under the shade of the tree of liberty, will sanction for the protection of character, public or private, from investigation.

Mr. BRECKENRIDGE, of Kentucky, rose, but yielded the floor, to

Mr. WRIGHT, of Massachusetts. He did not rise to enter into this discussion, but, as a member of the former committee, to make some explanatory remarks. Whatever excitement there was in the House on the subject at this moment, it was gratifying to remark the fairness and candor with which the report of the committee had been treated. The committee, said Mr. D., did not hesitate thoroughly to probe the matter referred to them, as far as they went. The committee was appointed ostensibly to inquire into the correctness of the conduct of Gales & Seaton; but, attached to the letter of Gales & Seaton, was a document, copied from the Washington Republican, implicating also the Secretary of the Treasury, and the committee were of opinion that they ought to go into an investigation of that matter also, being thus referred to them. To these two points the committee bent their powers in the course of their investigation. If the gentleman from Illinois should say, that the committee had not probed the matter to the bottom, Mr. D. would ask, what was the obstacle which prevented them from doing so?

Mr. COOK said, he had not the least intention to intimate that the committee had not honestly and ably performed its duties.

Mr. DWIGHT said he was happy to receive this explanation from the gentleman. He proceeded to notice some points examined and decided in the committee, which the committee had not thought it necessary to spread upon their report. One question was, whether the committee should express an opinion as to the relevancy of the particular paragraph erased in letter A 5. It was the unanimous opinion of the committee, as the documents were before the House, showing very clearly the nature of the thing therein referred to, that it was not necessary for the committee to report upon that point. There is a single fact, said Mr. D., which speaks volumes on this subject. Though not printed, the passage in question was communicated to the House in words and letters so plain, that he who ran might read it. In regard to another question which arose in the committee, I must say, observed Mr. D., that I differ in opinion from the gentleman from Illinois, with respect to his rights. I know no Constitutional right that any member has to say he will decline answering a question propounded to him by authority of the House, unless the answer to that question would implicate himself. I say just as flatly that there was no implication of the conduct of that gentleman by the committee. I believe that the committee had the power, if they chose to exercise it, to compel the gentleman to answer the question to which he objected. It became important to ascertain whether any object could be gained by knowing who was the author of the letter in the Republican. The committee were of opinion, that the person who wrote that letter did it in consequence of having seen the certified copy of the marked letter obtained from the Clerk's Office, and of course could not know any thing about the original marker of the document. The ascertainment of the writer of that letter, could have had no bearing on the question of who marked the original document, because his information was posterior to the printing of it. The committee were therefore of opinion that it was not material to the necessary objects of the inquiry

to know who was the author of the letter. The committee, though they might have committed the witness for refusing to answer—or at least have reported him to the House for the exercise of its authority, on the ground of a contempt of it, thought the object was not of sufficient importance to justify so serious a proceeding. In conclusion, Mr. D. said, that whatever might have been the feelings with which gentlemen went into committee on this subject, he believed there was not, at the close of the inquiry, the least doubt, on the mind of any member of the committee, of the entire innocence of the persons implicated in the letter out of which the inquiry grew.

Mr. SAUNDERS, of North Carolina, said he should not have spoken on this occasion, but for the statement of the proceedings in committee, by the gentleman from Massachusetts, in which he (Mr. S.) being a member of that committee, had differed in opinion from the majority of it. The gentleman from Illinois had suggested, that the committee did not fully understand the question. What he means by this, said Mr. S., I do not know, unless it be, that they did not give that direction to the inquiry which would have comported with his views and feelings.

Mr. COOK said he did not mean to say that the committee did not understand the general subject before them, but that they did not understand the particular bearing of the paragraph suppressed in the Huntsville letter.

Mr. SAUNDERS. I will then proceed to notice the attack which the gentleman from Illinois has thought proper to make upon the testimony of Mr. Dickins. I shall always hold it to be my duty, said Mr. S., not to make any charge on this floor which I would not make elsewhere, and not to make a charge here against any man who is not here to defend himself. I will say, in behalf of Mr. Dickins, whom I knew not before I saw him whilst upon that committee, that his evidence was to me clear, explicit, and uncontradictory; for, though he was examined on three different days, it was not to give satisfaction to the committee, or because they doubted his testimony, but these examinations were in a great measure pressed by the gentleman from Illinois himself, and with other views, as it seemed to me, than merely to elicit facts bearing upon the question immediately before us. It ought to be stated, too, in justice to Mr. Dickins, that he had not the opportunity, which was extended to the gentleman from Illinois, of drawing up a statement of his own testimony. It is true that the notes of his evidence were read over to him, and I know not that he objected to any part of it; but that was a very different thing from correcting it himself. It did not occur to me, until after hearing the remarks made to-day, that that opportunity ought to have been afforded him. So far as I understood Mr. Dickins, he said nothing on the first day of his examination which went to contradict what he said on the third day. He said he had not seen these papers since they went from his office until a day or two before his examination, and he assigned reasons why he did mark certain of these letters without having referred to them to refresh his memory. The particular letter which related to a quarrel between the Tombigbee Bank and the Savannah Bank, he informed the committee, was that of which part was pasted over; and so it proved to be. But, if Mr. D. had been incorrect in this statement, it ought not to have induced the gentleman to impeach his testimony. So far as I understood it, it was given freely, openly, and without reserve. The gentleman from Illinois has spoken of a correction which Mr. Dickins was waiting in the Clerk's office to make in the report, at the time that he (Mr. C.) broke the seals. I know not whether the gentleman was present when Mr. D. stated the object of that correction; but if he was present, it was due to the House that he should have stated the fact. Mr. Dickins stated that he came to the office of the Clerk of the House, not to make any alteration in the report, but to mark the letter X as an indication of reference to some one of the documents. The gentleman from Illinois thinks that Mr. Dickins must have had the letter A 5 in his recollection, because he made a note upon it in red ink; and this is a circumstance which induces him to attempt to fix upon Mr. Dickins the making of the pencil marks upon it. But the red ink mark is upon the back of the letter, merely referring to the letter to connect it with other subsequent letters from the same bank. I did not understand Mr. D. to say, that he had read the contents of that letter, but merely that he had read all that was important in it, of which the omitted paragraph could not be said to form a part. I have made these remarks, not to justify Mr. Dickins; not that he requires my interference, but because an attack has been made upon him by a gentleman in his place here, and because it is due to the committee to give this explanation of his testimony.

Mr. S. then proceeded to state the reasons which induced him to believe it was within the province of the committee to investigate the particular point of who was the writer of the letter in the Washington Republican. I did not, that I recollect, put to the gentleman from Illinois the particular question whether he knew the author of A. B.—but I asked him, if after getting a certified copy of the marked letter, he communicated it to any one? He answered yes, to a friend. I then asked him if the friend to whom he communicated that letter, was the author of A. B.? He said, No; that he only knew the author from information of him received through a third person. I asked him, who was the third person? This question he declined answering. As to the individual who wrote the letters in the Washington Republican, I had no wish to inculpate him or them; but I sought for their names, that the examination of them might lead to the disclosure of some facts connected with the marking of the document. I cared not who the writer in question might be—whether a member of this House or of the Senate; whether he wrote in one paper or another—but I wished to know whether he knew of any particular fact which would lead to this discovery.

With this view, I would not insist on any individual criminating himself; but, if the witness refused to answer a question relevant and proper for effecting the object of inquiry, I should not hesitate to commit him. I must here be permitted to remark, that the gentlemen no doubt refused to answer the questions which were put to them from the honest conviction on their own minds, that the questions were irrelevant, and that the circumstances about which the questions were asked had been communicated in confidence. But how far it is the province of a witness to decide on the relevancy of a question put by those who are legally authorized to propound it, they had no right to determine. I consider, said Mr. S., that the questions were relevant, and that the parties were bound to answer them. In this business there is but one secret—who made the marks? The records of the House were mutilated. It appeared to him, that about this there could and ought not to be any thing like confidence. When that gallant man, General Eaton, was called on, in a court of justice, in the trial of Aaron Burr, to disclose what had been communicated to him in confidence, he did not hesitate at a full disclosure, on the principle, that, to break faith with an individual when the liberties of his country were in danger, was not fraud, but virtue. So, it seemed to him, to violate the supposed confidence of which gentlemen speak, when innocence was assailed, would not be dishonorable, but proper. Gentleman, however, had their own views of this subject, and would act in compliance with them. I thought then, sir, and I still think, that these questions ought to have been answered, in order to disclose every thing that could lead to a full understanding of the subject. It was about the 20th of February, nearly a year ago, that the gentleman from Illinois made this discovery. But the gentleman did not then consider if a matter of such importance as to merit notice, though he made two calls subsequently by resolutions. Now, however, it has become important in the gentleman's estimation, and now he wishes the committee to be clothed with a distinct power to examine whether the erasure was or was not important. As regards the third call which the gentleman speaks of, and the implication he wishes, by means of its remaining unanswered, to fix on the Treasury Department—the gentleman should recollect that when, in the committee room, he drew the attention of Mr. Dickins to the call, Mr. Dickins told him that every fact in relation to the subject had been already communicated; that they differed in opinion as to the terms of the resolution; and, when it was examined, the recollection of Mr. Dickins was found to be correct.

Mr. Cook said the gentleman was mistaken as to the fact. It must have been some member of the committee who had differed from Mr. D. on this point, &c.—not he, (Mr. Cook.)

Mr. Saunders said he thought he could not be mistaken, because the incident produced some words. But it is a matter of no importance, said Mr. S.; I only mentioned it to show that the Clerk (Mr. Dickins) selected all the papers within the meaning of the call. Mr. S. said he had but little more to add. He did not suppose that the amendment of the gentleman from Illinois ought to have been incorporated in the motion, because the gentleman from Illinois himself, during the last session of Congress, with a particular view, no doubt, introduced three separate resolutions into this House, all tending to the same point, and, if he was not yet satisfied, it was his duty to institute a special committee to search out and follow up the subject. If there has been any thing wrong in the administration of the Treasury Department, let him follow it up. But the gentleman is forestalling the department, by making this investigation before the last call which he made is answered. It appears to me, said Mr. S., that the original resolution ought to be adopted, and upon the very ground that there had been a difference of opinion in the former committee as to their powers, which would be obviated by the institution of a new committee. I will say to the gentleman from Illinois, notwithstanding the terrors of the sedition act which he has held over our heads, if I had the authority of the committee confided to me, I would know the real name of the author of A. B., for the purpose of knowing whether he himself made these marks or not. I would not go to the printers of the newspaper; I would have nothing to do with them, because it gives them a kind of consequence which they would not otherwise possess. I would not, further, because it is declared by gentlemen of this House that they know the author; and I have stated what course I should be willing to pursue, to extract an answer from them to a simple question. The sedition act has nothing to do with this matter. I never would shackle the press, but if I thought any man could inform us of the author of these erasures, &c., I would not dispense him from giving answers to questions put to him because he happens to be connected with a newspaper.

Mr. Gilmer, of Georgia, said he had determined not to address the House on this subject, because he had found that it would be difficult so to arrange his ideas, as to bring the expression of them within the rules laid down by the Speaker, for the government of members engaging in the debate. But his intention had been changed by the course which the debate had taken. We ought not, said Mr. G., to trust a man who is not honest. A charge cannot be made against one of the departments, involving imputations of falsehood or of fraud, that our duty does not call upon us to examine into it. It is our duty to the people to preserve this House as pure as any of the departments. And, if there shall be any charge against any member of the House, which involves falsehood or fraud, it ought to be fully examined. Every four or five years, said Mr. G., you will find men looking forward to the first offices of the Government; not one man only, but a number, who stand nearly on an equality, and have their friends here. Hence, if you do not punish men who make false charges against these public men, this House will become a scene of intrigue, of fraud, and falsehood. Shall we say to the people

it is necessary your Executive shall be pure, and yet come to the determination, that, when charges are made by members of this body, which are without foundation, and known to be false by the member or members who make them, that we will not search out and punish such unworthy persons?

Mr. MOORE, of Alabama, called the gentleman to order, on the ground of personality.

The SPEAKER decided that the member was in order, his observations being abstract, and not personally applied.

Mr. GILMER proceeded. When a charge is made in regard to a member of this House, we ought to adopt the same rule which we universally do in regard to the head of a department. Who has ever heard, when a charge is made against any head of a department, that an investigation of it is opposed? Why, then, should investigation be opposed, when a charge is made against a member of this House? Why, on such an occasion, shall we hear so much clamor about Constitutional privileges? A charge is made against some member of this House, not named; and if the member against whom it is made has been guilty of falsehood, and if we can prove that any member has made use of the papers of this House for the purpose of stating falsehood, there is not an honest member here present who will not vote for his expulsion. A charge has been made, through the medium of the newspapers, by a member of this House, which is proved to be false, and the papers of this House have been used to give color to the falsehood. Why, then, did the member make this false charge? For what purpose? There is not a man who hears me, who does not know for what purpose it was made. If, said Mr. B., there is a man high in office, whose character makes him a prominent candidate for the first office in the gift of his country, we should preserve and not destroy that character—not by shielding him or his conduct from inquiry, for inquiry gives confidence, but by protecting it from injurious assault, under covert of the privileges of this House. Who knows whether the libeller be a member of this House or of the other? I am not sure, sir, that I did not just now see the man skulking behind the curtains in our gallery. The man who would make a false charge under an anonymous signature, no honest man wishes to come in contact with. It has been said, that we cannot institute an inquiry as to the author of this calumnious publication, without violating the rights of members of this House. I recollect, sir, that a member of this House did at the last session, on this floor, make a charge of corruption against the head of one of the departments, and of a violation of the Constitution by a member of the Senate. We may then make this House an inquisition to charge a Senator with having violated the law, and yet, when a charge of much greater moral guilt comes against a member of this House, he is to be protected by his plea of privilege. I do not know, sir, how far I am justified in going in stating facts, extraneous to the subject immediately before the House, in order to designate, by this sort of testimony, the member whom I believe to have been capable of this act. I should like the Speaker to inform me on this point.

The SPEAKER said the gentleman would be justified in stating any facts which induced him to suppose that any member of this House had any agency in suppressing any part of the documents which were the subject of the present motion.

Mr. GILMER said it was now understood, from the evidence before the former committee, that there was no possibility of getting at affirmative testimony, to establish who was the author of those marks. What he wished to know from the Speaker was, whether he could, in reasoning, make use of extraneous facts, having relation to the conduct of a member of this House upon other occasions, to show why he believed him guilty on the present occasion?

The SPEAKER gave a negative answer to this proposition, in terms which escaped the reporter's ear.

Mr. GILMER said he had wished to make use of the testimony which he held in his hand, (holding up a bundle of papers,) which, in connexion with the testimony given in to the late committee of investigation, afforded strong presumptive proof, to his mind, that there had been most unfair dealing, on the part of some member of the House, on this subject. I do not mean to say who this member is, said Mr. G., because that fact I am not authorized to state, but, when this committee shall be constituted for the purpose of ascertaining who is the man, I shall feel myself perfectly at liberty to suggest to that committee a train of reasoning which will go very near convicting the man whom I believe concerned in it. I am very willing to admit that there is nothing in the testimony given to the House by the former committee of investigation, which goes to prove that any member of this House has been guilty of the alteration of this letter. But the committee stopped, in the inquiry, at the very point of ascertaining the fact. When any member is openly charged, as I now charge the author of A. B. with being guilty of making an accusation against others which he knew at the time to be false, if he were not guilty of the offence his name would have been disclosed. Whenever the truth does come to light, it will disclose facts of importance to the country; it will show that the Representatives of the people here, are, like their pretended representatives in all other countries, corrupt—grovelling in the mire of their own sordid views, without regard to the interests of those who send us here. I understand, continued Mr. G., that when the facts were all fresh in the knowledge and memory of the member from Illinois, he considered the erasure, now so much spoken of, as unimportant. Does not every gentleman recollect the calls made at the last session by that member upon the Secretary of the Treasury? Does any one believe, that, if he thought any suppression had been intended of any document, he would have wanted the courage or the sort of motive which would induce him to give the information of it to the House? No man

doubts of it. There is not one who hears me who will not say that, if the gentleman from Illinois had at that time considered these facts of any importance, he would have stated them publicly to the House. Then the gentleman from Illinois knew there was nothing in this suppression of papers, which went to implicate the Secretary of the Treasury. I draw this conclusion from his silence. It seems, however, that there was something in the nature of these papers, which led the gentleman from Illinois—the member, I mean, from Illinois—which led the member to speak of these facts of omission, &c. He did state them, and to whom? To whom did he state them? To a gentleman who is himself known on every occasion to charge the Secretary of the Treasury, in this House, with improper conduct; to one, who, next to the member from Illinois, is the most remarkable for making charges against that officer. Why then did he not make the charge publicly at that time? That member must have believed that there was no impropriety in the conduct of the Secretary of the Treasury, or he would have made the charge. Why, then, said Mr. G., when it is necessary that feeling should never appear on this floor—when it is so important that all our legislation should be founded on truth, and guided by cool reason, why was this matter spoken of and magnified into factitious importance at this session? Why, I repeat? It would seem that there would have been time to have forgotten what was itself thought so unimportant as not to have been worth mentioning to the House, to the Department in question, or to the printers, and was communicated at the last session, only to one member, now absent, besides the two already referred to. When the fact was fresh in his memory at the last session, the member saw no impropriety in it. How, then, does it happen, as it appears from the evidence, that, upon consultation with his friends, he thinks it necessary for his own security, that he should have a fac simile of the letter A 5? I want to know the purport not only of that consultation, but of more consultations than that. I understand that there is, in law, such a crime as confederacy. Every gentleman knows what is meant by a conspiracy, and understands that there is such a crime. I want to know, said Mr. G.—and I want to know it for the purpose of preserving the purity of this House—what was the object of these consultations—I want to know whether there has not been a conspiracy, by an improper use of the papers of this House, to lessen the confidence which this country has in the Executive power? I do not know that such a conspiracy exists—I have used the language of the gentleman from Illinois himself, who has stated to your committee what he did, "upon consultation." Has not the matter, through the means of this consultation, gone to the press? I do not mean to say, continued Mr. G., that the member from Illinois has been guilty of any conspiracy. Upon the discovery of facts which, upon the face of them, would enable a vile man (not an honest man) to produce an impression that there was something in them implying improper conduct on the part of the Secretary of the Treasury, some other persons—not the gentleman from Illinois; he swears he did not do it; some other persons may have made use of this paper, and for this vile purpose. As every thing which was repeated on this subject came from the gentleman from Illinois—as he, knowing all the facts, must have stated all the facts, among others, that of his believing the transaction innocent; and there is every reason in the world to believe that a member of this House has made a false charge, by the aid of the papers of this House, against a high Executive officer—it is due to every man suspected, that he should have an opportunity of acquitting himself of that suspicion. I ask, for the sake of the purity of this Government, that all charges against every branch of the Government should be investigated in the same manner, that the people, so widely separated from their representatives, should know that, when so separated, the duty of their representatives, and their interests, are properly attended to here. I state nothing here, or privately, said Mr. G., but that which I will state openly or publicly. I believe that it is necessary, for the sake of the purity of this House, that a full investigation of this business shall take place; but I believe that the manner in which the resolution is worded is not such as to enable the committee to examine the subject in the manner in which it ought to be examined. This House has been threatened; we have been told to put our propositions in a specific form, and see what the people will think of them—that we are to be driven from the Hall, &c. Sir, said Mr. G., when you go home and ask the people whether you are to be turned out of this House because you wish to turn a dishonest man out of it, I ask you what the people will say to it? I ask you whether the people have that notion of their rights that they would suppress an inquiry in this House, about fraud, in favor of that member who says he is not bound to testify under oath? There is not a man among them who would not join in the universal answer, that the charge has come home. That the inquiry might be as broad as the testimony taken before the former committee, Mr. G. then moved the following amendment:

"And to ascertain, if possible, whether any member of this House, or confederacy of members, have made use of the papers of this House for the purpose of making charges against any Department of this Government, which that member, or those members, know to be false."

Mr. Woodson, of Kentucky, adverting to the seriousness of the aspect the subject had now assumed, moved an adjournment; and the motion was agreed to.

So the House adjourned.

Thursday, February 6.

Mr. Campbell, from the Committee on Private Land Claims, made a report on the petition of William Kendall, accompanied by a bill for his relief; which was read twice, and committed to a Committee of the Whole.

Mr. JOHNSON, from the Committee on the Post Office and Post Roads, reported a bill for the relief of James Hyde; which was read twice, and ordered to be engrossed, and read a third time tomorrow.

Mr. CANNON, from the select committee on the subject of the militia, made an unfavorable report on the memorial of John Dodge; which was concurred in by the House.

On motion of Mr. LITTLE, the Committee of the Whole was discharged from the further consideration of the report in the case of Ann Hodge, and leave was granted for the withdrawal of her papers and petition.

Mr. COCKE offered the following resolution, which, by the rules of the House, would lie one day:

Resolved, That the President be requested to communicate to this House a statement showing particularly whether the money appropriated for fortifications in the years 1820, 1821, and 1822, has been expended on the several fortifications, as required by law; whether the money applicable to one fortification has been transferred and expended on another; if so, by what authority.

At the suggestion of Mr. COCKE, the rule requiring the resolution to lie one day was suspended for this case, and the resolution was adopted.

The SPEAKER laid before the House the annual report of the Commissioners of the Sinking Fund, detailing the measures adopted by them subsequent to their report of the 7th of February; which was read and ordered to lie on the table;

A letter from the Secretary of War, transmitting statements, showing all the contracts, which were made by the War Department, in the year 1822; which were read and ordered to lie on the table.

A letter from the Secretary of the Navy, transmitting the annual statements of the appropriations and expenditures for the naval service, for the year 1822, showing the expenditures under each head, since the 1st of January, 1822, and the unexpended balances of appropriations, on the 1st day of February, 1823; which was ordered to lie on the table.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the House of Representatives:

In compliance with a resolution of the House of Representatives, of the 28th of January last, requesting information "whether the treaty concluded with the Choctaw nation of Indians on the 18th of October, 1820, has been executed, so far as respects the cession of certain lands to said nation, west of the River Mississippi, and if possession has been given of the lands ceded to them; if not, that he assign the reasons which prevented the immediate execution of the stipulations of said treaty, and whether the difficulties have diminished or increased by the delay in execution;" I communicate a report from the Secretary of War, with the documents referred to in it.

JAMES MONROE.

FEBRUARY 6, 1823.

The Message was referred to the Committee of the Public Lands.

Another Message was received from the PRESIDENT OF THE UNITED STATES, which was read, and is as follows:

To the Senate and House of Representatives of the United States:

I herewith transmit a resolution of the Legislature, with an extract of a letter from the Governor of Georgia, and a memorial of the Legislature of Missouri, relative to the extinguishment of the Indian title to lands within the limits of these States, respectively. Believing the present time to be propitious for holding treaties for the attainment of cessions of land from the Indians within those States, I submit the subject to the consideration of Congress, that adequate appropriations for such treaties may be made, should Congress deem it expedient.

JAMES MONROE.

FEBRUARY 3, 1823.

The Message was laid on the table.

FOREIGN COINS.

Mr. ROCHESTER, from the committee appointed on the 13th ultimo, to inquire into the expediency of making the gold coins of Great Britain, Portugal, France, and Spain, receivable in payment of debts due the United States, at their intrinsic value, made a report thereon, accompanied by a bill making the gold coins of Great Britain, Portugal, France, and Spain, receivable in payments on account of public lands; which bill was read twice, and committed to the Committee of the whole House to which is committed the bill further to prolong the continuance of the Mint at Philadelphia. The report is as follows:

The gold coins of Great Britain and Portugal, of their present standards, correspond almost exactly with our own—those of France are not so fine, and those of Spain still less pure.

Although no regular report of the assays of these coins has been made by the Director of the Mint since 1819, during which year the last act of Congress, declaring them a lawful tender, expired; yet, from numerous assays made since on deposites, it has been abundantly ascertained that their intrinsic value is equal to that which was assigned to them respectively by the act of the 29th April, 1816.

The committee assent, without hesitation, to the expediency of making them receivable in the payment of debts to the United States on sales of public lands; but doubt the propriety of making them a tender on other debts, duties, taxes, or sums of money, which have or may become due to the Government.

Notwithstanding it was stated in a previous report of the committee, that the gold coins of every description and denomination, whether American or foreign, have of late been almost entirely banished from our seaport towns, yet there is reason to believe that, owing to the constant emigrations to the western country from Europe, and to the acknowledged want of confidence in many of their banking institutions, considerable sums of foreign gold have found their way into that country, and have been, and are much relied on as part of the means of paying the debt there due for public lands.

The committee are assured that, very many of the purchasers of those lands being persuaded, from long habit, that gold would, on account of its metallic preciousness, continue to be the safest and most in de-

mand as a circulating medium, have studiously and carefully preserved it for the purpose of making payments to the receivers of public money on their land purchases.

The debt on account of sales of the public lands is so large that, it is believed, every facility and inducement, compatible with the just rights of the General Government, should be extended by Congress for its speedy reduction, and final extinguishment, by actual payments.

It will be seen, by reference to the annexed communication of the 3d of February instant, made in reply to a letter addressed to the Treasury Department, by direction of the committee, that the Secretary of the Treasury has found it expedient to authorize the receivers of public money to continue to receive the coins, adverted to in this report, "in payments on account of public lands;" and that "they are, in fact, now received by them." The reasons assigned in said communication for giving such authority to the receivers, are perfectly satisfactory to the committee, and strongly indicate the propriety, not to say necessity, of giving to that authority the sanction of law.

TREASURY DEPARTMENT, *Feb.* 3, 1823.

SIR: In reply to your letter of the 31st ultimo, inquiring whether it would not be expedient to make the gold coins of Great Britain, Portugal, France, and Spain, receivable in payments to the United States, at their intrinsic value, and especially in payments on account of the public lands, I have the honor to state, that it is deemed proper that they should be made a lawful tender in all payments to the United States on account of public lands. Upon the expiration of the act of Congress which made them a legal tender in the payment of debts in the United States, the receivers of public money were authorized to continue to receive them in all payments on account of public lands, and they are in fact now received by them. This authority was given, first, because no doubt was entertained that the creditors of the Government in the States and Territories where the land offices were established, would receive such coin in preference to the notes of the State banks established in those States and Territories. And, second, because the refusal of those coins, and of the notes of the local banks, would have placed it out of the power of the purchasers of the public lands to make payment, as the notes of the Bank of the United States, and of its offices, did not circulate among them, and the current coin of the Union did not circulate in sufficient quantity to meet even a small proportion of the payments due by them.

In terminating this letter I feel it my duty to observe, that the relative current value of gold and silver differs materially from that established by the laws of the United States. The consequence has been, that the gold coin of the United States has always been exported, whenever the rate of exchange between the United States and the commercial nations of Europe has been in favor of the latter. If the gold coins of the United States should be made equal in value to sixteen times the value of silver coins of the same quantity of pure silver, they would be exported only when the rate of exchange should be greatly against the United States.

This subject was presented more fully in a report made by this Department, upon the state of the currency, in obedience to a resolution of the House of Representatives, of the 1st of March, 1819, to which I beg leave to refer the committee.

I remain, with respect, your most obedient servant,
WM. H. CRAWFORD.

Hon. W. B. ROCHESTER,
C. C. on the Mint.

SUPPRESSION OF PUBLIC DOCUMENTS.

The resolution submitted by Mr. CAMPBELL, of Ohio, as modified, by his acceptance of the amendment proposed by Mr. COOK of Illinois, being under consideration, in the words following:

"*Resolved*, That a committee be appointed to ascertain by whom the suppression of the paragraph, in the letter of William R. Dickinson, Cashier of the Bank of Steubenville, to the Secretary of the Treasury, dated the 3d day of April, 1819, and by him communicated to this House at the last session, was caused, with leave to sit during the sessions, and with power to send for persons and papers: *And that the said committee be instructed to prepare and report to this House a digest of the evidence contained in the printed documents (in which the said printed letter A 5 is included,) if any such there be, to show whether uncurrent or depreciated bank notes were taken in lieu of cash, from any of the banks in which the public moneys were deposited; whether public moneys have not been discontinued to be deposited in branches of the United States' Bank, and placed in certain local banks, situated in the same towns or neighborhood, without complying with the directions of the law on that subject; and whether such transfers have not resulted in loss to the Government; whether the public money has not been loaned to those banks, in which standing deposites were made, under the name of deposites; and whether such loans or deposites have not resulted in loss to the Government; whether security was not neglected to be taken in some one or more instances, for the punctuality of one or more banks, which proposed to give such security, and whether such failure has not resulted in loss to the Government.*"

And Mr. GILMER, of Georgia, having yesterday proposed further to amend the same by adding thereto the following:

"And to ascertain, if possible, whether any member of this House, or confederacy of members, have made use of the papers of this House for the purpose of making charges against any department of this Government, which that member, or those members, know to be false,"

And the question being on agreeing thereto—

Mr. SAUNDERS, of North Carolina rose. His object is rising was not, himself, to enter further into this discussion, but for the purpose of asking the gentleman from Georgia to withdraw his amendment. If he would not do so, Mr. S. said, he would move to strike out the part which had been inserted at the suggestion of Mr. COOK, (and is printed in *Italic* in the above copy of the resolution.) He asked this from the gentleman from Georgia, because he thought that both his amendment and that of the gentleman from Illinois, were calculated to embarrass the original proposition. At the same time, Mr. S. declared, that he would go with the gentleman from Illinois to establish a distinct committee to accomplish

the object proposed by his particular amendment. He cared not whom the inquiry might involve, the gentleman from Illinois should at least have his aid to detect, if he could, any impropriety in the administration of the Treasury Department. It was not with a view of shrinking from the inquiry proposed by the amendment, but because he considered it improperly connected with the inquiry which was the immediate object of the immediate resolution, that he should move to strike it out.

Mr. GILMER said that, on a question which had created so much personal feeling in the breasts of some members of the House, and of himself more particularly, he was not disposed to do any thing which the calculating, prudent gentlemen of the House should think improper. After the excitement of the moment has passed by, he was rather disposed to act upon their opinion than his own. With pleasure, therefore, he yielded to the opinion of the gentleman from North Carolina, and of that class of persons in the House for whom he had a high respect, and with whom it was his pleasure generally to act. Mr. G. then withdrew the amendment which he had proposed.

Mr. SAUNDERS then moved to strike out of the resolution that part of it which was yesterday inserted on the suggestion of Mr. COOK, declaring at the same time that he should with pleasure give his support to the same inquiry, if proposed in a distinct resolution, for appointing a separate committee. He moved to strike it out only because it proposed an inquiry wholly distinct from the original motion, and the two would only embarrass one another.

Mr. CAMPBELL, of Ohio, said when the amendment of Mr. COOK was yesterday presented, he had thought at first that it would embarrass the inquiry proposed in the first resolution. But, upon closer examination, he was induced to think differently; and it appeared to him there was a sufficient connexion between the two to keep the objects connected; and he would state the grounds of this opinion. The gentleman from Illinois appeared, said Mr. C., to intimate that the committee which heretofore pursued the subject did not go as far as it should have done in examining the character of the documents referred to it; and that, if it had gone further, a different impression from that which it has expressed would have been the result. If, Mr. C. said, any credit is due to statements of this kind; if it is ascertained that the Secretary of the Treasury has withheld information which ought to have been imparted to this House, it appears to me a proper subject for investigation. If in the progress of events it should turn out—and I am arguing as the nature of the case appears to require that I should—that any documents have not been communicated from the Treasury Department that ought to have been, knowing that the Secretary of the Treasury was interested in withholding them, in order to avoid the implication of himself, I ask the committee whether that be not a fair subject of investigation? We know that the fact of the deposite of money in certain banks was unpopular; and if any documents or parts of documents respecting that fact have been withheld, the committee may inquire by whom and why these documents were suppressed. Mr. C. said he therefore was opposed to striking out that part of the resolution.

Mr. SAUNDERS said, as he did not intend by his motion to afford any ground for the remotest implication of the Secretary of the Treasury, and wished only to relieve the gentleman from Ohio from what might be too great a burden on him as the chairman of the new committee, and was besides not connected with the subject of his original motion; and as the gentleman from Ohio appeared to have no objection to take this burden upon himself, he (Mr. S.) withdrew his motion to amend the resolution.

Mr. CONDICT, of New Jersey, proposed a division of the question, so as to take it separately upon the two distinct branches of the resolution.

Mr. COOK, of Illinois, said he was willing to withdraw his proposition yesterday offered, and incorporated in the resolution of Mr. CAMPBELL, and to substitute another, which he held in his hand, and which he read.

Mr. CAMPBELL, of Ohio, objected to this amendment, as going unnecessarily into detail.

Mr. EDWARDS, of North Carolina, said he did not mean by any thing he should say to contribute any thing to such a debate as that of yesterday. His object in rising was to renew the motion to strike out the amendment yesterday engrossed on the original resolution. Should this motion succeed, the gentleman from Illinois would have an opportunity to present the several subjects which he wished investigated, in his own way, and there would be no question but every gentleman in the House would unite in allowing the utmost latitude to his investigations. Mr. E. said he would put it in the power of the gentleman to present the question in the shape most agreeable to himself. If that gentleman believed in the existence of abuses, such as he had intimated, he would find no gentleman unwilling to go along with him to investigate them to the extent of his own wishes. I will give my support, said Mr. E., to any resolution which he may offer, if he accompanies it with an allegation of any abuse of public trust.

Mr. HAMILTON, of South Carolina, was of opinion that the two objects embraced in the resolution ought to go together. They related, he said, to identically one and the same subject. The inquiry for the committee will be, what were the motives of the suppression, which we regard as an outrage on propriety, and on the dignity of the House? What were the motives which led to it? The motives are necessarily connected with the facts which may have induced it. Mr. H. said he could not see any object to be gained by a division of the subject between two committees; and he was anxious that no division of the inquiry should take place which would lead to the appointment of two committees. He wished the two inquiries to go on hand in hand, and not from any want of deference and respect to the author of the present resolution. Mr. H. said he should move,

when it would be in order to do so, to refer the inquiry to the same committee which has already had the subject under consideration. He would do so, because it must be within the conviction of every member that that committee had discharged its duty in a manner which entitled it to the respect and esteem of the House—their proceedings and report having been candid, lucid, fair—and because, as they were already familiar with the subject, much would be gained in point of time, which at this period of the session was of some importance, by giving the matter again in charge of that committee.

Mr. Floyd, of Virginia, said he was in favor of the motion to strike out the second branch of the resolution, because he saw no necessary connexion between that and the original motion, the object of which was to ascertain who made these marks which have been the subject of so much speculation. He did not wish to embarrass that inquiry by connecting it with extraneous matter. Nor could he see any propriety in recommitting this subject to the same committee which has already examined it. If the Secretary of the Treasury has been called upon for all the papers connected with any particular subject, and he has not communicated them all, it was incumbent on the House to get those which have been withheld. This is a thing which is of common occurrence, said Mr. F., and I know it has occurred in regard to resolutions which I myself have offered. A year or two ago, he said, he had submitted a resolution, calling upon the Navy Department for certain papers, which have never yet been submitted. So it has happened with regard to calls upon other Departments. When, last session, the Department of War was called upon for the invoices of certain goods purchased by the Indian factors, they never were reported. Even as to the Department of State, he wrote for a passport for a friend who was going abroad, and could not get it—he procured a member of the Senate to ask one from the British Minister, and got it without difficulty. Last session, a call was made upon the President, to show in what manner the money had been expended, which is annually appropriated under the act for arming the whole body of the militia of the United States, and that call was not answered. These irregularities, Mr. F. said, had grown out of a practice which is itself wrong—the practice of calling upon the subordinate Executive officers, the mere creatures of the law, instead of calling upon the President himself, for the information which is necessary to guide the decisions of Congress. Mr. F. made some remarks on the impropriety of giving undue importance to the officers of Government who are created by law; for, said he, make a Secretary of Interior Affairs to-morrow, take him from among the members of this House, and he immediately rises to some superior dignity. But, he said, it appeared, from the allegations of gentlemen, that, in the case now under consideration, information had been called for; that the call had not been answered as it ought to have been, and that in what was given there had been a suppression of a part. He did not know, for his part, that there was any thing wrong in this matter, nor did he know that the debate should have gone so far as it had, for all that he heard yesterday upon it seemed to be rather a matter of inquiry for the committee, than a proper subject of debate for the House on a mere proposition for inquiry. Is the matter of sufficient importance to institute a committee to inquire into it? If so, let us institute a committee, and leave them to inquire and report upon the matter. If, upon the report of that committee, it shall appear that there has been neglect, fraud, corruption, combination, or conspiracy, the House will then have it in its power to take a proper course in regard to the matter.

Mr. Sterling, of New York, said he could not see the necessity of the resolution, as at first submitted; and for that reason, in particular, he thought, if it did pass, it should be in its amended shape. If, said he, you strike out the part which is proposed to be stricken out, you strike out all that which constitutes the most important part of the inquiry. The two objects of inquiry could well be united, and they ought to go together, because they were nearly connected. But, Mr. S. said, the amendment was the only material and the substantial part of the resolution, as it now stands. The resolution, in the shape in which it was introduced by the gentleman from Ohio is, in my view, said Mr. S., totally unnecessary. I am not in the dark, if other gentlemen are, as to who caused the suppression, so often alluded to. Not that I have any knowledge on the subject which everybody else may not have, but I rest my conviction, first, upon the face of the documents themselves, and, secondly, on the testimony of Mr. Dickins, the chief clerk in the Treasury Department. My mind has been brought to the conviction, by all the circumstances, that he, and he alone, made them. I call not in question his merits; he is not even personally known to me—and I have only heard of him as a man of distinguished talents and great industry. He has interfered, however, with the documents of this House, and he boldly told the committee that he marked the word *out*, where it appears marked on several passages that are omitted in the printing. I say that Mr. Dickins might have gone further, and told the committee that, when he made part of those marks, he made the whole of them. I do not mean to impeach the veracity of that gentleman, or even his motives. It is sufficient to say, that he acted on his own authority, and without the authority of the Secretary of the Treasury, and in violation of the direction of the House to have the whole of the correspondence laid before it. I have heard but one sentiment expressed by all who have viewed these papers, which is, that they were all made by the same pencil, and at the same time; and I defy any gentleman of candor to inspect the papers and say that they were not all made by the same hand. If Mr. Dickins did make all the marks, as I contend he did, what occasion is there to go into a further inquiry on the subject? But, continued Mr. S., I have a further argument to show that Mr. Dickins did make these marks. It has been intimated

without the least ground, that some gentleman of the House may have made them. I am astonished, sir, that any gentleman should dare to rise in his place and make such an intimation, without proof positive of the fact. It is our duty to protect the character of this House, and we ought never to permit ourselves to charge any one of its members, in the House or out of it, with improper conduct, without positive proof to sustain the charge. I call upon gentlemen to show me the least proof of the truth of this intimation. A particular member of this House was alluded to yesterday, as having possibly made this mark. I was astonished to hear a gentleman, reputable as he is, of unimpeached integrity, stigmatized as one who not only made this erasure, but as being engaged in a conspiracy which, if it existed, would be disgraceful to those concerned, and disgraceful to the House. What do the committee say? Who did make these marks? I do not mean to wound the feelings of any man; I would scorn to impeach the motives of any man in or out of the House—and it was with great surprise I heard the gentleman from Georgia yesterday make a direct allusion to a member of the other branch of the Legislature. Are we to point at them, and hoot at them, when they happen to attend ladies to the gallery of the House? I do not mean, said Mr. S., to impute to the gentleman from Georgia any improper motives for this allusion, &c., because he is a high-minded and honorable man. He himself, after a night's reflection, has in an honorable manner retraced his steps, and withdrawn his proposition. But, to return to the marks. The committee reports that Mr. Dickins did, according to his own declarations, mark out three of these passages, in doing which he acted in an unwarranted and unauthorized manner. What do the committee say, in their report, of the particular erasure which was the subject of their inquiry? They say that, had the same causes existed for that erasure, the committee would have remarked that the probability of that erasure also having been made by Mr. Dickins was strong, and that nothing but the peculiarity of the motives which had induced him to make the other marks weakened it. From the testimony of Mr. Dickins, what do the committee infer? That the probability of Mr. D. having himself made the erasure is destroyed? No; but that it is weakened. Mr. S. proceeded to read passages from the testimony of Mr. Dickins as reported by the committee, contrasting his evidence in the three days he was examined—for, Mr. S. said, he was examined three several days, and at different times this evidence was dragged from him. Could Mr. Dickins have made this erasure, or asked, without knowing whether he made it or not? I appeal to the House, said Mr. S., if, from the evidence of the documents themselves, and the strange testimony of Mr. Dickins, who admits he did make all the other marks, and from the fact that this mark was made apparently with the same pencil, whether he ought not to have recollected marking it. The reasons were not such as have induced him to make the marks in that particular letter, he says, and therefore, he thinks he did not make it; and, said Mr. S., the reasons were such that he ought not to have made any of those which he acknowledges to have made—strong and imperative was the reason why he should not have done it. I am convinced, from all the circumstances, that Mr. Dickins did make this erasure, for good or bad purposes, or for purposes unfathomable by this House. I am opposed, therefore, to the proposed amendment, because I consider the part of the resolution proposed to be stricken out as the most important part of this resolution. From the face of it, I should think that it is the object of the gentleman from Illinois to implicate the Secretary of the Treasury in having done something wrong in his transactions with the Western banks, and I am sure it must be the wish, even of the Secretary of the Treasury himself, that an inquiry should take place.

Mr. CAMPBELL, of Ohio, said, from the course which the gentleman from New York had taken, he felt himself called upon to make a remark or two in defence of his original motion, which the gentleman from New York seemed to consider so unnecessary. It might be owing to the advantage which that gentleman possessed over other gentlemen, that he had been able to discover who had made the disputed erasure. It is well known, said Mr. C., that such is the structure of the human mind, that less evidence is necessary to convince some minds than is necessary to convince others. For my part, I am slow to believe in such facts as he charges on Mr. Dickins. It may be considered as an undeniable fact, however, that some person has caused the suppression of this paragraph of a document. The object of the inquiry which I have proposed is, to ascertain who this person was. It is proved not to have been the printers: that is put beyond question. Whether it was some person in this House, or attached to this House, or to the Treasury Department, is a subject for inquiry, and the proof submitted by the committee does not warrant, to my mind, the conclusion to which the gentleman from New York seems to have arrived. I will admit that, by straining the testimony, you may infer that Mr. Dickins himself may have made the erasure. I have examined the evidence with attention, however, and have not satisfied myself on that point. As I presume many other members are in the same situation with myself, it seems necessary that the first part of this resolution should be adopted, whatever becomes of the remainder of it. Mr. C. then proceeded to notice the observation of Mr. FLOYD, and to show that there is such an analogy between the two objects of the resolution as to justify their connexion. He did not wish it to appear that any person had been privy to this erasure with an intention to commit a fraud upon the House; but such had been the effect of the erasure. He did not expect to obtain conclusive proof upon the subject by further investigation. If any person would commit a fraud of this description, he would not do it openly, and any one who had made the erasure with fraudulent in-

tention, would doubtless perjure himself to conceal it.

Mr. Tod here inquired whether the hour for the orders of the day had not arrived, and, being answered by the Speaker in the affirmative, he objected to the continuance of this discussion.

Mr. Mallary suggested that it would be better to go through with the business now in hand, in order to finish it, and that the House might have but one debate at a time on the tapis. With this view he moved to suspend the rule which limits the discussion of original motions to the first hour of each day's sitting.

The question being taken on the motion to suspend the rule, it was decided in the affirmative—yeas 110, nays 33.

Mr. Campbell resumed the thread of his remarks. The proof, he said, was not conclusive that Mr. Dickins made these marks. As to the argument that all the marks, those acknowledged and that which is denied, being made by the same pencil—if I know any thing about pencils, said Mr. C., they all make the same kind of marks. That argument, therefore, can have no weight with me in the determination of the question. Mr. C. then recapitulated the objects of the part of the resolution which was yesterday added, at Mr. Cook's suggestion, to show its analogy to the original proposition. The objects of inquiry which it proposed were proper in themselves, and proper also to show whether any motive of concealment would probably have induced the suppression of these passages in the letters. On the supposition, for the sake of argument, that the Secretary of the Treasury, or his clerks, had such a motive, the inquiry into that fact was certainly so nearly connected with the inquiry into the fact of who made the erasure, &c., that it ought not to be stricken out of the resolution.

Mr. Archer, of Virginia, expressed his regret that any difficulty should exist as to the form of inquiry into any of the particulars embraced in the resolution, because he believed there would be no difference of opinion when the question of inquiry in any shape came to be voted upon. What are the grounds, he asked, on which the first part of the resolution recommends itself to our attention? There has been a mutilation of the records of the House. Will any man deny that it is the duty of this House to prosecute an inquiry in a case of this sort, to ascertain who were the authors of the mutilation? No man can deny the fact, the power of the House to investigate the matter, or the duty of the House to exercise that power on this occasion. No man denies either of these points, said he, and yet we are kept two days debating it. The very fact that there has been a mutilation of the records is sufficient. But, when the inquiry is proposed, of what sort is the objection made to it? Why, that members of this House ought not to be suspected of having done it. Now, I suppose, or might suppose, there has been this criminal intention on the part of some member of this House; how is the fact to be ascertained, but by inquiry? Gentlemen say, it will appear, probably, that no body has been guilty in this case. I think it very probable, and I hope, that such will be the result of a full investigation. But, is that any reason why we should not inquire into it? Do gentlemen mean to contend that we are never to exert the powers of this House without proving an imputation upon some body? If there has been any guilt connected with this fact, it will be reported to the House, with authentic evidence of the fact, and we ought to prosecute the inquiry to the conviction of the guilty. If there has been no guilt in the transaction, we ought to prosecute the inquiry to show that there has been none. I was extremely sorry, continued Mr. A., to see the gentleman from Illinois, when no imputation was cast upon him, identify himself with this accusation, so far as there is any accusation against any member or members of this House. He not only undertook to consider himself the accused person; but, after disclaiming the acts which he supposes to be imputed to himself, he turns round upon others—and upon whom does he turn? Upon the Judas among us, if there be any? No, he turns, and makes an accusation, remote from the subject before the House, against the Secretary of the Treasury. He brings forward this irrelevant matter, which it was now proposed to strike out of the resolution. I must, therefore, tell the honorable gentleman, said Mr. A., that he has no claim to our sympathies, after the part he has acted. What I have to say, is simply this. There is a case brought before the House, contested by no one, that there has been a mutilation of the records of the House. No one denies the propriety of an inquiry into it. The remedy, if the act be fixed upon any individual, will be the expulsion of the member, if it be a member of this House; or the prosecution of the offender, if it be any other than a member. There are, then, in favor of the inquiry, fact, power, duty, and remedy. Mr. A. concluded by suggesting to the gentleman from North Carolina to withdraw his motion to strike out the latter part of the resolution. I think, with him, said Mr. A., that the inquiries are distinct, and ought not to be connected; but, as there appears to be great tenacity on the part of those who wish them connected together, and as the honorable gentleman who is to have the labor of the two inquiries does not object to their being connected, I hope he will withdraw his motion.

Mr. Cook, of Illinois rose. I confess, said he, I am as much astonished as I regret the fact, that the honorable gentleman from Virginia saw so little in the observations of other gentlemen who preceded me yesterday in debate, which tended to cast a shade of suspicion over me. The gentleman will have it that I am my own accuser. I appeal to the candor, to the honor, to the justice of this House, whether several gentlemen, previous to my joining in the debate, did not make allusions to me. The honorable gentleman from Virginia may not have understood them as I did; but I feel quite sure that every other member, or almost every other member, did understand them as I did. The remarks of the gentleman from Kentucky, of the gentleman from Maryland, and

of other gentlemen—I will not repeat them—must be fresh in the recollection of this House——

Mr. ARCHER, (in explanation.) I understood the gentlemen whose remarks are referred to, to say they did not mean an allusion to any one, but wished the inquiry to know whether or not any member had been concerned in this thing. I understood the gentlemen to exclude any particular allusion. Neither did I mean to say that the gentleman accused himself; I only meant to suggest that he committed an indiscretion in assuming that he was accused.

Mr. COOK resumed. I think, said he, it must be within the recollection of every member, that the Chair decided, yesterday, that it was proper I should go into an investigation of the testimony taken before the committee, because such an imputation had been made upon me. If gentlemen choose to disclaim the allusion to me, I am gratified at their doing so. But the remarks of gentlemen could not have been misunderstood—they were not misunderstood. What, then, was my course? To sit still, and permit the mantle of disgrace to fall upon me without resistance, and without attempting to demonstrate that the presumption which seems to be indulged in was much more strongly met by presumption of a different character? It seemed to me that the tenor of all the observations made yesterday, as I understood it, and as I was sure every member of the House understood it, was to cast imputations on me. It was asked of me, not here or there, but every where, are you ready for the gallows? I was glad to find the question put to me in such a manner, as to show that they universally felt a contempt and disgust at what those who asked it supposed to be an unfounded and ungenerous attack upon me. I brought forward, by way of amendment, that which the gentleman from Virginia supposes to be irrelevant matter, to show that the presumption of guilt was elsewhere than with me. I adverted to what I considered abuses, which, if proved, would show that the presumption of guilt in this matter might rest elsewhere. As for the sympathies of the gentleman, I have no doubt, from his character, he will do me justice; and I ask for no sympathy from any body—but for justice merely. For four years that I have had a seat here, I have had every reason to believe that every person brought before this House will receive justice at its hands. I believe that there is a sufficient degree of independence—manly independence—in this House, to secure to every man justice. I ask no sympathy from the House. I stand self-poised; and it will be demonstrated to the House, if the investigation goes on, that I have good reason to stand self-poised. I am as willing as any member to investigate this matter, and I have no idea of putting off the investigation; for, independently of the reasons which operated upon others, I have, growing out of what I consider unfounded intimations, a personal reason to desire an early and full investigation. I stated yesterday, said Mr. C., and I do it to-day, and it is certainly not my wish to excite feelings of an unpleasant kind any where; nor did I think it proper that yesterday gentlemen should have entered into an investigation calculated to prejudge the matter; but when debate is indulged in, or permitted on one side, which is calculated to have an improper effect on particular members, those at least who are aimed at have a right to pursue the same irregular course, with a view to bring truth into view, that improper prepossessions may not be formed; it was with that view that I stated yesterday, that the documents connected with this subject furnished intrinsic evidence that a part of the correspondence, which forms the body of documents connected with the subject, was not sent here in compliance with the call made on my motion at the last session; and I made the statement for the purpose of showing that, from this omission, conclusions might be drawn at least as strong as from the uncandid statement by the gentleman from Maryland, of the testimony reported to the House. The gentleman from North Carolina last evening seemed to dwell, and lay much stress upon the recollection by Mr. Dickins of the subject-matter of the passages which he acknowledges to have erased. Now, I state it as a fact, said Mr. C., that Mr. Dickins went to the office of the Clerk of the House of Representatives before he went to the committee, and examined all the documents. Now, this is a fact which ought to be taken into the estimate, of the clearness with which Mr. Dickins speaks of the subject-matter of the passages erased, and recollects, from previous examination, what passages he marked, and why he marked them. I mentioned that Mr. Dickins had gone to the Clerk's office to make an alteration in the report; and the gentleman from North Carolina thinks it uncandid in me that I did not state the object of that alteration. The gentleman from North Carolina is mistaken when he says that I was present at all the examinations of Mr. Dickins——

Mr. SAUNDERS explained. If the gentleman was present, I said, when the nature of the alteration was mentioned, he ought, in candor, to have stated it to the House.

Mr. COOK. I was not present, and therefore could not know or state it. The gentleman from North Carolina was a little mistaken, too, said Mr. C., as to the nature of the questions propounded to me in regard to the author of A. B., (the accusatory letter published in the Washington Republican.) He says he did not ask me who A. B. was. He certainly will remember that he asked me if I knew who A. B. was. In that question was a necessary inclusion of the question, who was the person? I barely mention this to correct the recollection of the gentleman from North Carolina, who, he had no disposition to believe, would intentionally misrepresent him. I had intended, said Mr. C., to have answered some of the remarks which fell from the gentleman from Georgia—yes, sir, I will say the gentleman from Georgia; but the gentleman has this morning withdrawn his proposition, and I think it is very well for the character of this House, and very well for the character of the Constitution of the country in which we live, that he has done so. It was a proposition which I could show proposed one of the most glaring infractions

of this Constitution that was ever presented to the consideration of this House—a proposition involving the highest and most sacred rights secured to this House, and to the people of this country. The honorable gentleman has done himself some credit in withdrawing it. [Mr. C. made a remark on the feeling or motive in which this proposition originated, and an observation on Mr. Gilmer's allusions to the transactions of last session, the terms of which escaped the ear of the reporter.] I hope, said Mr. C., that the whole matter will be inquired into, and brought before the House; and when it is, I shall be able, if the slightest tinge of suspicion yet rests on the mind of any honorable member of the House, even of the greatest enemy I have in the House—and I have some whose feelings are very strong towards me, as the proceedings of this House will verify—I will bring even to them such demonstration as to force conviction that, if they have suspicions, they are unfounded, and without the least justification whatever.

Mr. Edwards, of North Carolina, said that, at the time he submitted the motion, now pending, to strike out the latter part of the resolution, he did it under a full persuasion that the two subjects embraced in the resolution were utterly disconnected. As, however, his friend from Virginia had appealed to him, and seemed to think that this unprofitable debate would be checked by withdrawing the amendment, he would withdraw it.

The motion to amend being withdrawn, and the question being on agreeing to the resolution as it is stated in the commencement of to-day's proceedings—

Mr. McLane, of Delaware, rose to express his views of this subject. I rise not, said he, to accuse any one, but to vindicate, as far as my impressions go, some who have been accused. With regard to the member from Illinois, we have his declarations, in the committee and in this House, that he is free from any imputation as to the marking or suppression of this paper; and his declarations are conclusive until proof be produced to the contrary; and, in relation to him, I shall require strong proofs. Whilst I do refrain from the expression of any opinion derogatory to the honor and integrity of that member, I will not say, I have no suspicions as to any other person; but even if I entertained as strong suspicion of the guilt of any other person, as seems to be entertained by the honorable gentleman from New York, I would not express it. For, although I might entertain strong impressions as to the author of the act referred to, yet, as I may be called upon in a much more important way, and on fuller testimony, to express my opinion upon the subject, I should feel it due to the person whom I suspected, and to myself, to preserve myself pure from prejudice and commitment upon the question. If I were to rise in the House, and express the opinion, that this or that man is guilty, I could not trust myself again to pass upon the character of that man. The House will do me the justice (said Mr. McLane,) to remember that I gave to this inquiry, when first proposed, my full and free sanction. I expressed my belief that everybody implicated in the letter of A. B. would, upon full inquiry, be absolved from imputations upon them. I believe such will be the result of the proposed further inquiry, and that the object of the person, whoever he may be, who made these charges, will be detected and exposed. It is for that reason I would adopt the amendment of the member from Illinois, that this inquiry may be pushed to its utmost limit, and that every circumstance connected with the transaction may be developed. This is not a matter originating in this House—it originated out of this House. I do not say that any member of this House is the author of the contemptible productions which have given rise to this inquiry and this discussion; but it has been forced upon us, if by a member of this House, I will say most disreputably. For if any member of this House does believe that any Department or public officer has been guilty of a breach of trust, he has an open and high-minded course to pursue. He cannot become an anonymous scribbler in a newspaper without derogating from his character. I do not mean to say that the writer is, (I hope and trust he is not,) a member of this House. If he is, he has taken a wrong course, and unwarrantably produced all the bitter waters which have flowed from it. Let us not, said Mr. McL., forget the origin of this inquiry. How did it originate? This little erasure, which may have originated, as from my soul I believe it did originate, in no improper motives—these little marks which are made upon this paper, have been suffered to sleep upon the records for a twelvemonth, known to many gentlemen of this House. At the end of twelve months, when the officer who had the records in his possession is no more, and cannot be called upon to give an account of them, the fact is brought to the attention of the House by accident, purely. It is published out of the House, accompanied by a distinct charge inculpating officers of this House with having suppressed the passage in question to screen an individual in a high public office. It was a charge which the persons inculpated felt it to be their duty to bring before the House. The House instituted a committee of inquiry into the matter, and that committee have investigated it, not only with an assiduity which does them credit, but with an honorable, independent, and impartial conduct, which will do them honor, here and elsewhere. They have said that the persons designed to be implicated are guiltless, and that the marks were not made by them. Now, sir, though I should have been unwilling to have originated this inquiry, and regret that the subject has ever been agitated, I am free to say that I am willing to go on with it, and I will not, because I find the scent which I have been following will not lead me to the den of the lion, turn round and refuse to follow it to the hole of the fox. The very reason which brings the gentleman from New York to the conclusion that he will not pursue the inquiry is the converse of the reason why I will pursue it.

Mr. Sterling—I have no objection to pursuing the inquiry.

Mr. McLANE: I did not mean to say that the gentleman from New York is opposed to the inquiry: but I understood the gentleman to say that he did not want this inquiry, because he was already satisfied who did this thing. He was willing to vote for the inquiry, but thought it unnecessary because he knew who made these marks. It is because I do not know who did it, and because it does not appear before the House who did it, that I think the inquiry ought to go on. And it is because that honorable gentleman has thrown the weight of his character and influence against an individual who is not in this House, and who has no means of defending himself against such imputations, that I wish the inquiry to go on. I make no charge against any body: the gentleman from New York has made the charge. He has brought the act of making the erasure home to the clerk in the Treasury Department, which, he has had the candor to say, he has done without a knowledge of the character of that clerk. The gentleman acquits the Secretary of the Treasury of any concern with the transaction; and I agree with him that the character of that officer stands too high for purity and lofty integrity to warrant the belief of his having had any connexion with any transaction which proves to be incorrect. But, is there any proof which will warrant the House in saying that these marks were made by the clerk in the Treasury Department? None whatever. But, if I were to have an opinion, it would be, as far as the testimony goes, strongly the reverse of that of the gentleman from New York. I do not think the clerk did make the erasure. He might have made it, and with good motives, too; but I do not think that he did do it. Let us look at the nature of the thing. Here is a call made upon a Department, in answer to which, in order to save time, the original papers are sent—and I here ask the gentleman where he founds his charge of an unwarrantable liberty taken with the documents of this House? Had we, sir, any thing to do with those documents before they came here? Certainly not; they were in the possession and under the control of the head of the Department. You make a call on the Department, and it is competent to it to send you the originals or copies; and this fact, which spoke conviction to my mind, from the first agitation of this matter, is conclusive—that, so far from any intention to suppress any part of the documents, there was evinced, in sending the original letters, a disposition to open the whole flood of information to you. Now, suppose these marks were made at the Treasury Department—and here Mr. McLANE remarked, that gentlemen seemed to be shocked at the suggestion that A B, or C D, made these marks, but thought nothing of laying it to this or that other person. Now, I say, continued he, that these marks may have been made, if they were made at the Treasury Department, for the most innocent purpose. Was it not competent to the Department to send you copies instead of the originals? Undoubtedly; that would have been the regular course. Was it not competent to the Department to send you copies of parts of letters? Undoubtedly; for what is the nature of your calls upon Departments for information? It is, that they shall send you all the information material to the subject of the call, which can be communicated consistently with the public good. As to what may or may not be material or relevant to the call, the head of the Department must exercise a sound and honest discretion. Suppose, in the exercise of such a discretion, the Treasury Department had sent you copies of these documents, and deeming this letter, and the others which were marked, to be immaterial and irrelevant to the call, had left them out entirely: how then? Could you have imputed an improper motive? or would you not, if you entertained a different opinion, require the papers to be sent, by a new and more specific call, as the member from Illinois actually did call for other documents connected with the same subject, which were not sent in pursuance of the first call? Now, said he, let us go one step further. Instead of copies, the original papers were sent. What do the brackets which are known to have been made at the Treasury Department, and the others, if they were made there, designate? That the passages thus marked were not material to the call. The member from Illinois, who made the call for these papers—who wanted the information—he himself did not, when he saw these marks, at the last session, deem them material——

Mr. COOK said, that he did not deem them of sufficient importance to be the subject of a motion to the House upon the subject.

Mr. McLANE said, he had not at all misunderstood the member. If he did not deem them of sufficient importance to bring the subject to the House, they could not have been, in his view material: if the suppression of the paper was deemed immaterial, the paper itself could not have been supposed material. He proceeded then to make one or two remarks, which went to satisfy him, although these marks might have been innocently made by the clerk in the Treasury Department, that they were not made by that person. It is an affair of speculation merely, said he, and if I should be thought, in making this declaration, to insinuate any thing against any member of this House, I would not make it. In the first place, said Mr. McL., you find that in cases where letters are actually marked by the clerk, he marks them with brackets, and with the word "*out*" in the margin. The word does not occur on the margin of the particular letter in question. When this clerk marks passages for the purpose of having them omitted, he marks the word "OUT" upon them. I beg the House to reflect on the suggestion which I now make, and see how important it is, when a charge is attempted to be brought home to an individual on the ground of criminality, to view it in a correct light. When the clerk marks this word "*out*" on these documents, to whom is the intimation given which that word conveys? Is it to the printer? No, it is to this House. If the document had gone from the Treasury to the printing office, it would have been different. But the documents were sent to you, and the marks were put upon them for your use. Here are the

papers for you, says this officer; here is all the information we have on the subject; we send you the originals, the more speedily to answer your call, but we suggest to your discretion whether it would be proper to print these particular passages. It is to you, then, that the word "*out*" is addressed, with the corresponding brackets. But on examining the marked passage on A 5, which has been the subject of so much speculation, we find the word "*out*" is not there. There is another strong circumstance about that letter, which carries to my mind conclusive testimony that the pencil marks were not made at the Treasury; and that is, that the only words which can, by any possibility of construction, be considered material, are underscored, not by pencil marks, nor as far as I can judge, from appearances, by the writer of the letter. Now, I ask, whether, on an officer of any Department sending a paper here, any part of which is intended to be suppressed, it is at all likely he would have made a broad and obvious underscoring of the particular passage, with a view to bring those words conclusively and immediately to the public eye? I think not, sir. I should never conceive that any individual, who meant to suppress a paper, or part of a paper, would make indelible marks upon it, not to erase or to conceal it, but to place it in bolder relief. If it had not been so marked, it might and probably would, have escaped observation entirely. You must then persuade me that this clerk in the Treasury Department is made of different materials from other men; that when he has a motive and an object in view, he accomplishes it in a different manner from other men; and that, when he means to suppress any thing, he makes it, with that view, more conspicuous! The honorable gentleman from New York says he is satisfied, and there is no occasion for further inquiry. If the testimony was sufficient to satisfy the mind of the gentleman from New York—to whom I impute no motive, believing he only made this declaration in proper candor—if the evidence was sufficient for him, it was not sufficient for the committee who examined the matter. And, let me say, if the evidence had been such as to induce the expression of a belief by them, the committee were bound—more especially as the omission to express such an opinion would give rise to imputations elsewhere; more especially as they must see that suspicion would fall upon members of Congress, amongst others—it became their absolute and positive duty to express their opinion, if they had been able to form one, of the author of the erasure. Acting under this sense of imperious duty, knowing that, if they even remained silent, an imputation might be drawn from it, they have said, with that sense of honor which characterizes the report, that they have no proof to satisfy them *who* made the erasure in letter (A 5.) I cannot satisfy myself on the subject, said Mr. McL., that either this or that person did it; and for that reason I would give the greatest possible scope to this inquiry. When the proofs come before me, I shall examine them with an impartial eye; I shall form an impartial opinion. If I believe that the *marks* were made with an innocent intention, and that the maker of them was in no manner connected with the attempt which has been made to convert them into imputations of guilt, I shall be satisfied to let the matter rest; but if, in the course of the inquiry, the act shall be fastened upon any individual with motives of guilt, or who has since lent himself to the improper use which has been made of it, I will extend the power of this House as far as it will go to punish him.

Mr. A. SMYTH, of Virginia, said, in his conduct on this floor, he had no rule of action but to pursue what he believed to be his duty to the public. He would vote for any inquiry which was likely to lead to beneficial consequences. But, if he thought any proposed inquiry would not have that result, he would not vote for it. He saw no advantage which could flow from further prosecution of the particular inquiry now before the House. He objected, besides, to committing an inquiry into the management of the funds of the United States, and into the making of this mark, to the same committee. The subjects were distinct and not compatible, and ought not, therefore, to go to the same committee. In the case of John Anderson, when a contempt was committed against the House, through the Committee of Claims, was that committee charged with the inquiry into that matter? Certainly not. Mr. S. was opposed, for reasons of this nature, to the form of the resolution. But he was opposed to further inquiry respecting these marks, for another reason. He had come to the conclusion that Mr. Dickins did make the erasure in A 5, as well as the others, and that he was authorized to make them, and that no blame properly attached to him or any one on the occasion. Examining the shape, direction, and curves of the marks, from which only, in the absence of direct testimony, an opinion could be formed, he had come to the conclusion that the same person made the disputed mark who made the others. Lay the marks across one another, and it would be seen that their inclinations are the same, and the angles formed by the intersection of the cross lines, as well as the form and turn of the brackets, were either precisely or nearly the same in the marks acknowledged to have been made by that clerk, as in the others. From all the circumstances, Mr. S. drew the conclusion that Mr. Dickins did make these marks. He wished, therefore, no further examination. The House had the examination of Mr. Dickins, thrice taken, and it had the documents themselves; and he could not conceive why any other information on the subject should be thought desirable. Mr. S. further considered Mr. Dickins as having made these marks when he had a right to make them. The resolution of this House, requiring these documents, called for copies of certain contracts with banks, &c., and all the information "relative thereto;" that is, for so much of the correspondence with the banks as relates to these contracts. Did that resolution, then, require the Secretary to furnish the whole of every letter in which this subject is mentioned? Mr. S. contended not. Suppose a letter embraced several

very important subjects: there could be no reason why more of it should be communicated than the particular part which relates to the subject of the call. By the arrangements at the Treasury, it appeared that this clerk had this branch of the business of the office under his control, and that he made the selection of the papers called for, and arranged them in the order in which they were sent to the House—in doing which he made these pencil marks on the passages which he considered irrelevant to the object of the resolution of this House. It had been said that the disputed erasure did relate to the object of the call. Mr. S. was not satisfied that it did—but, whether or not, it was not withheld from this House, nor concealed from the House, but fully in its possession. And said he, are we to infer criminality from the testimony of this gentleman? Certainly not; for if he made these marks, he was as perfectly justifiable as he was in making the other marks, and there was no criminality in it. Mr. S. here read some extracts from the testimony of Mr. Dickins, commenting upon it as he went along. He concluded by saying that he found it to be his duty to oppose this resolution; declaring that if any gentleman would bring forward an inquiry into the other subject embraced in this resolution, separately, he should vote for it.

Mr. WRIGHT, of Maryland, made some explanatory observations, which it was the misfortune of the reporter not to be able to hear distinctly. He states, therefore, only what he heard. Mr. W. denied that he wished to call A. B. to account before this House, as he was most abominably misrepresented in the Washington Republican to have wished to do. Mr. W. took some notice of Mr. COOK's remarks (of yesterday) in reply to him. I did not wish to impugn the conduct of that gentleman, said Mr. W. I had an esteem for him, for I had discovered in him talents and an independent spirit. I did not wish to implicate him, but I told him that appearances were such that, if he were my own son, he ought, in my opinion, for his own sake, to demand an investigation. I did not say that he was the author of the erasure; but I did say, that there were circumstances developed by the testimony taken before the committee, which would cast a shade of suspicion over him, such as I hoped would be removed by a further inquiry. Whilst I am a member of this House, said Mr. W. (in reference to an expression of Mr. STERLING) I shall dare to do whatever I think it my duty to do; but I shall never do what is contrary either to duty or to honor. I will never refuse to any gentleman atonement for his violated rights, and I am always within the reach of any man of honor. Mr. W. made some remarks on the allusion yesterday made to his age, intimating that age had not yet dimmed any of his faculties, or quenched his feelings as a man. He concluded by saying that he had no idea the gentleman from Illinois would draw, from his remarks yesterday, any other inference, than that circumstances were such as ought to induce him, for his own sake, to urge an investigation of this matter.

Mr. REID, of Georgia, said, he had refrained from this discussion, so far, because he could not see any beneficial purpose it could answer to engage in it. Whether this mark was made with a mischievous intention, or who was the writer of A. B. he considered as matters of little importance. If there had been any conspiracy between the persons who marked the document, and the one who wrote A. B. it had wholly failed in its purpose; the project had met the fate it deserved. The report of the committee, said he, is an ample acquittal of the Printers to this House, and a triumphant vindication of the Secretary of the Treasury. All attempts against that officer will end, I have no doubt, as they heretofore ended on this floor, to his honor, and the discomfiture of his enemies. But, Mr. R. said, he should vote for this resolution, because, the fact appearing that this document has been mutilated, apparently subsequent to its coming into the possession of this House, the question by whom, and with what intentions it has been done, deserved to be investigated. His principal object in rising, however, was, to add a few words to what had been so conclusively said by the gentleman from Delaware, respecting one of the clerks in the Treasury Department. It has been intimated (said Mr. R.) that it is demonstrable that Mr. Dickins was the author of the erasure, and that he has contradicted himself in his testimony. If the House will attend for a moment, I will make it appear that there never was testimony more pure, more perfectly impartial, more every way satisfactory, than the testimony of Mr. Dickins. Mr. R. examined and compared the different passages in Mr. Dickins's testimony, commenting upon them as he went along to show that his evidence was not only clear but entirely consistent. I have thought it proper to do thus much, said Mr. R., because the character of Mr. Dickens has been assailed, and, though I am ignorant of the person of that gentleman, I understand him to be an excellent man and an intelligent officer. Before he sat down Mr. R. intimated to the gentleman who proposed to refer this inquiry to the former committee, that it would be impossible for him to attain his object. The former committee was dissolved by the fact of its report upon the whole subject committed to it; and committees can only be appointed in two modes, by the Speaker or by ballot. A committee cannot be legislated into office, or revived, by resolution.

Mr. TATTNALL, of Georgia, did not, in rising, mean to obtrude any remarks of his on the main subject of debate. But he thought he owed it to himself and his colleague, to take some slight notice of the remarks which had fallen from the gentleman from New York. That gentleman, said Mr. T., in the course of his vindication of another member of the House, seemed to think that, to vindicate one character, it was necessary to attack another——

Mr. STERLING, of New York, (in explanation.) I did not attack the character of any one; and if I was understood as attacking the character of any one, I was misunderstood. On the contrary, I spoke of the gentleman from Georgia, (Mr. GIL-

MER,) as high-minded and honorable. I had not the remotest intention in any degree to speak disrespectfully of him.

Mr. TATTNALL said he was very much gratified by this explanation of the gentleman, as far as it went; but, said he, the remarks of the gentlemen *were* calculated, in my estimation, to affect the character of my colleague for candor and fair dealing. It may be officious in me to interfere—I know it is the disposition of my colleague to treat such matters lightly, when he is disposed not to notice them personally. He is willing, in such cases, to let them pass by without notice; but I cannot hear a remark calculated to affect the reputation of a friend, without saying something of it. I wish, said Mr. T., that those who throw out insinuations against others, were always above them themselves; that those who suspect others, were always free from suspicions themselves; that, when we feel it improper to throw out insinuations against others, we should not ourselves indulge in doing it. The recollection of the gentleman from New York, I suspect, is good; it must be very bad indeed, if he does not recollect that, frequently, during the last session, at this session, perhaps this very day, when the Department, an inquiry into whose conduct is now before us, was in question, he has thrown out insinuations, &c. Mr. T. did not mean to say that it is always culpable to throw out insinuations. Not so. If a person throws out insinuations which he will support, and which he is ready to put in the shape of a charge, he acts correctly, upon his proper responsibility. My colleague, (said Mr. T.,) yesterday went so far as that, and would have gone farther, if he had been permitted by the Chair. *He* at least has not been guilty of the *whispers* which were spoken of yesterday. He is not one of the whisperers; and in truth they were not whispers that I have heard, but loud insinuations. There have been no whispers about the matter, unless among those whose direct agency in agitating this matter has been kept so profound a secret. My object in rising, however, was not to add to the feelings of excitement which this discussion has generated, but to repel the remarks which have been made respecting my colleague. Whilst he was up, Mr. T. said he would make one or two brief remarks in regard to this transaction. He expressed his total astonishment at the course which had been pursued in this case. We had before us, said he, a distinct question. What was it? The mutilation of our documents, and the manner in which they were mutilated. We have been debating every thing else. The Sedition law has been dug up, and, with all its corruption, introduced among us—for what proper purposes? None that I can discover. An amendment has been proposed, and accepted by the mover of the resolution, which has no sort of connexion with the subject, carrying us off to Illinois and Ohio, in search of facts, which, when received, are of no consequence. The object of the resolution was to inquire into an offence committed here. What has that to do with affairs in Ohio and elsewhere? It is here—in this House, that the inquiry lies, and we are discussing about the Western banks, and the liberty of the Press! We might as well, on this occasion, have discussed the Cumberland Road, or the New Tariff, as the subjects which have been brought into it. Mr. T. further animadverted on the want of connexion of the addition to the resolution with the subject of the other part of it, and said he had some doubt of the declarations by gentlemen of their willingness to prosecute the inquiry, when coupled with their attempts to embarrass it. He himself wished the inquiry to go on, and should have preferred its being unembarrassed by extraneous matter, not that he was disposed to investigate the character of the gentleman from Illinois, but the character of the mutilation of the public documents.

Mr. STERLING, of New York, expressed his surprise that the gentleman from Georgia should think it necessary to rise in defence of his friend, from a supposed attack upon him. The gentleman must, said Mr. S., have most grossly misunderstood me. I meant no such attack—I made none. I did express my deep regret that that gentleman should have introduced into this House a proposition so fraught with dangerous principles, as that which was embraced in his amendment. I did also express my regret, in language which I thought decorous, at the manner of the gentleman's allusion to a member of the Senate. I have no recollection of using any other language to the gentleman than that of respect. I am again charged, said Mr. S., of speaking disrespectfully of the Secretary of the Treasury; and even the incidents of the last session are appealed to, to support the charge. I disclaim any intention to attack either the Secretary of the Treasury or the clerk in the Treasury Department. Distorted must have been my language, if I was otherwise understood than as I now speak. I was astonished at the solemn appeal made to the House on this occasion, and more so by the intimation of the gentleman from Delaware, that I had disqualified myself from voting upon any question which may hereafter arise in this House on the matter. The gentleman should recollect that I reserved my opinion on the subject of the guilt or innocence of this transaction. I did, when up before, no more than assert, directly, that which he stated by way of supposition; for he himself said, that the Clerk who made the other marks might have made the disputed mark. I did mean to take the same grounds as the gentleman himself, but more directly. So much for the Clerk. I am a young member of this House, said Mr. S., comparatively with the gentleman from Delaware; but I must beg leave to differ from him on one point, which I consider as essentially connected with the character, independence, and integrity of this House, viz: that, when a call is made for information from any Department for the use of this House, that Department is not bound to give the whole of the information called for; that it may give a part of it, and, if we are not satisfied, we may submit a second call for the remainder——

Mr. MCLANE explained. His doctrine was, that a Department was not required, by any call for

information upon any subject, to send any more of its papers or records than was pertinent to the object of the call.

Mr. STERLING resumed. If the gentleman meant all that was pertinent, why did he speak of a second call, and refer to the case of a gentleman from Illinois at the last session? My views of this subject, said Mr. S., are different from those of the gentleman from Delaware. If a head of a Department is called upon for the whole of the information in that Department, then he is to submit the whole of the correspondence connected with it. If he does not, he is bound to state why he does not communicate the whole of it, so as not to leave the House under an impression that the whole has been communicated. Such was the course pursued by the Chief Magistrate at the last session, in a particular case. A call was made upon him for certain documents; he communicated a part of them, informing the House that there were more behind, and the remainder was called for. The gentleman has stated, continued Mr. S., that this matter was forced upon the House. And how does he say it was forced upon us? By the contemptible scribbling of an anonymous writer. Not so, said Mr. S., an honorable and distinguished member made a statement in this House, that there had been a suppression of a part of a public document, and that it had been fraudulently and wrongfully done. It was in relation to that charge of suppression, and not the contemptible scribbling he speaks of, that the inquiry was instituted; and I am utterly astonished that so much heat and zeal should be displayed here in regard to that newspaper publication. The question is, has there been a suppression of an important document; and, if so, who made it? and I do not see how that question involves the inquiry, who wrote an anonymous letter in a newspaper? I hope, sir, this unfortunate discussion may be brought to an end, and in better temper than it has been conducted.

Mr. CHAMBERS, of Ohio, after a remark or two to show the inutility of pursuing this discussion further, moved the previous question, (which, if decided affirmatively, puts an end to debate.)

Mr. RANDOLPH, of Virginia, (the first time we have heard his voice this session,) inquired, what was the main question?

The SPEAKER informed him, that it was on the passage of the resolution.

A sufficient number, however, did not rise to support Mr. CHAMBERS in his call for the previous question.

Mr. TRACY, of New York, differed from what appeared to be the great majority of the House. I mean, said he, to vote against the resolution altogether. I was induced, by the respect which I felt for the gentleman from Ohio, to give my vote for raising the first committee. I was induced to think it might be an act of courtesy to him to appoint the committee; but my own impression was, that the subject had none of that character of importance which has been given to it. I considered that this omission, which was called a suppression, was made by accident, or from a harmless misconception of the character of the papers. When it was understood that the whole matter said to have been suppressed had been communicated to the House; when it was ascertained that, connected with the matter said to have been suppressed, was nothing of any importance whatsoever; he was confirmed in the impression that the marking was the result of accident or inadvertence. This opinion was ratified by the report of the committee of investigation, that there had been in this case no culpable or wilful intention, on the part of any body, to deceive the House, by making these marks. He was satisfied of this, and that the further prosecution of this inquiry would tend in no respect to develop the obscurity which exists as to the author of these marks, nor in any other respect afford information of any value to the House.

The gentleman from Georgia (Mr. REID) says he neither knows nor cares who is the author of the anonymous publication in the newspaper: I understood him also to say—and if he did not say it, I do—that he neither knew nor cared who was the author of the erasure in the document. I care not, because there is nothing of any importance connected with it, that I have been able to discover. Unless we are satisfied that the matter is important, why should we inquire further into it? Mr. Dickins has acknowledged that he made some of the marks in these documents. Now, said Mr. T., I consider the part erased in letter A 5, quite as immaterial as some of the passages which, by the acknowledgment of Mr. Dickins, he actually did mark. But, before I undertake to censure a person for doing any particular act, I must be satisfied that he has acted wrongfully; that the act that he has done is important, and further, that the act itself was occasioned by improper motives. Not being so satisfied, I see no occasion to pursue the inquiry for the purpose of punishing the person who made these marks. But, if I did believe it important to pursue the inquiry, in order to discover the author of these marks, I must yet acknowledge that I cannot see how any further inquiry could lead to the disclosure of the person who made the marks. I will not say what is my opinion as to who made the marks, but I think any one who will take up the documents, will be satisfied that no process of examination can fix it upon any person more strongly. I have heard some gentlemen express a wish, said Mr. T., to know who is the author of A. B. That is to me a matter entirely unimportant. I do not discover in that production the evidences of such turpitude as some attach to it. If I was sure, however, that it was written by a member of the House, and was connected with the greatest degree of turpitude that can be imagined to belong to it, I do not see that this House has any thing to do with it. Are we to constitute ourselves jurors to inquire who is the author of any anonymous publication concerning public men? If so, before the question is settled, which this inquiry is supposed to bear upon, we shall discover a great many publications which it will be as incumbent on us to inquire into as the pres-

ent case. If the reputations of persons in office are attacked, they must seek their remedy in the same way as other citizens. There is no other road for them. I have heard it suggested, in or out of the House, that the author of A. B. is a member of Congress, and that, therefore, every member of Congress, who knows he is not the author of it, is bound to find out who the author is, that reprobation may not rest upon himself. This is a principle, sir, which I cannot support. I do not feel that I, being a member of Congress, am bound to exonerate myself from the charge of writing that letter, any more than I should do if it were said a citizen of New York had written it, I being a citizen of New York. I do not think that it is justifiable to make the inquiry for the author of that letter, or that we have either the power or the right to do it. If gentlemen contemplate such an inquiry, I should object at least to the present form of that inquiry, because the object is not expressly stated on the face of the proposition. I wish it to be put there that we may decide seriously and understandingly the principle how far this House has the power to ferret out anonymous writers. With these views, I shall vote against the resolution as being unnecessary; because there is no object worthy of inquiry connected with the subject, and because, if there was, we could never arrive at any more certain conclusion than we have come to now.

Mr. Rhea, of Tennessee, said he was of a different opinion from the gentleman last up; and quoted a passage from the letter of A. B. to show that it contained gross imputations of being "infatuated with party zeal" on a part of the members of this House. What, asked he, is meant by this? Are we divided into factions? Are we mere partisans? He conceived this was a matter of some importance, however lightly the gentleman from New York might think of it. What was the case of John Anderson, compared to this? Yet we spent four or five days over that. Are we not all implicated in this charge of being "infatuated with party zeal?" Yes, sir, we are.

Mr. Chambers. What is the question, Mr. Speaker?

Mr. Rhea said he believed the real question with that gentleman was a desire to adjourn, as he was remarkable for motions about adjournment and earlier hours of meeting, &c. However, he would proceed with what he was saying. It appeared by the unanimous report of the committee of inquiry, that Gales & Seaton were entirely exculpated from the charge of suppressing the passages in question; but, sir, said he, is this House exculpated? No, sir; and so long as the transaction shall remain unexplained and unproved, so long will it remain a matter of suspicion here; he would therefore vote for the resolution, for further investigation, that the person who committed the act might, if possible, be found out; he would vote for the inquiry lest it should be said there was a disposition in the House to screen somebody or other.

Mr. Breckenridge, of Kentucky, said, as a member of the late committee of inquiry, he thought the inquiry which that committee was instructed to make a very proper one. Officers of this House had been implicated in a serious charge, and another individual, not connected with the House, was also involved in it. The inquiry was peculiarly proper as regarded the public printers. It had been made; they were found innocent, and the report had been laid on the table. The present proposition, however, Mr. B. said, was a materially different one. It was not now proposed to inquire whether the conduct of an officer of this House, or of any one connected with it, was proper or improper; but to ascertain who is the author of an anonymous newspaper publication. If this could be found out, it would not be an object worth the trouble, though it might be harmless. The inquiry was connected, also, with an investigation of the conduct of the Secretary of the Treasury. Mr. B. said he was not bound to the Secretary of the Treasury by any ties whatever; but he could not be indifferent to the conduct of the House of which he is a member. You are, said he, about to inquire who the author of a certain publication is. For what? To defend the conduct of the functionaries of the Government. That, sir, is not your duty. When you have accomplished your purpose, what will you have effected? You will have set the miserable example of making a formal inquiry who it is that has happened to implicate the conduct of a public officer. This, sir, is a privilege of the people of this country; they have a right to investigate the conduct of their public officers; the press is the natural medium for doing this, and the same vehicles are open to all, for defence as well as attack. Mr. B. wished to show to the House the tendency and inevitable result of such a procedure as it was about to commence. Institute a committee, said he, with the fullest powers, and let them drag the culprit before the House, and if he be a member, expel him; but, before this House attempts so daring an attempt on the rights of the people, it should reflect long. [Mr. B. was here called to order by Mr. Williams, of North Carolina, as animadverting on a question which was not presented by the resolution before the House, or had been in any manner proposed for adoption. The Speaker, however, (Mr. Taylor, of New York, being temporarily in the chair,) decided that however correct Mr. W.'s objection was in principle, the scope which had been allowed to the debate authorized Mr. B. to take the latitude he had used in his remarks. Mr. B. proceeded.] The attempt, he said, which gentlemen were about to make could not redound to the credit of the House. It might create heat and contention amongst the members, but nothing more. It was not proper, or becoming the character of the House, to institute an inquiry into the authorship of an anonymous attack on a public officer, however false it might be. And was such an example to be followed up? Are we, said he, to call printers from Maine to Georgia, on every occasion, where we take offence at a newspaper publication, to disclose who writes against public men? As far as relates to the

public welfare, the officers attacked are no more to be shielded than any other persons whom we hold guiltless. The writer in question attacked certain officers of this House and the Secretary of the Treasury, and he wholly failed in his attack on both. Leave him, then, to the obloquy of a convicted slanderer, and do not place the House in the wrong, by an imprudent and unnecessary inquiry about him. Mr. B. then proceeded to vindicate the course the committee had pursued, in not attempting to go further than they had gone. They confined themselves to the particular object of their institution, and, having accomplished it, there they stopped. It was not proper, nor would it have been expedient, to go beyond that. And, said Mr. B., if you now do resolve to push the inquiry further, into an examination of the authorship of the offensive publication, you will set a wretched example, which, if followed, will lead to deplorable results. In what situation will you place yourselves, if you undertake to demand the authors of such publications? Will you imprison them if they refuse to answer? No, sir, said Mr. B.—the best corrective of the abuses of the press—and every day exemplified the truth of the remark—was to give it perfect freedom. That character, he said, cannot be worth much, which can be put down by the slanders of the press. If the House could, by this inquiry, discover who suppressed the passages in the documents, it would be well. But that he believed improbable, and was, therefore, opposed to the resolution. He thought it wrong, also, to connect with the inquiry, if it was to be prosecuted, the inquiry in regard to the conduct of the Secretary of the Treasury, which had been proposed by the gentleman from Illinois.

After a few further remarks by Mr. RHEA, which could not be well heard by the reporter—

The question was put on agreeing to the resolution in the shape in which it appears in the commencement of this day's proceedings; and, a count being demanded, there were—For the resolution, 107; against it, 23.

So the resolution was agreed to.

The committee appointed in pursuance of the resolution, consists of Mr. CAMPBELL, of Ohio; Mr. CANNON, of Tennessee; Mr. NELSON, of Maryland; Mr. STEWART, of Pennsylvania; Mr. JONES, of Virginia; Mr. MORGAN, of New York; and Mr. HILL, of Maine.

FRIDAY, February 7.

Mr. WOOD, from the Committee on Expenditures in the Department of State, to whom was referred the letter of the Secretary of that department, of the 3d of December last, accompanied by one addressed to him by the Superintendent of the Patent Office, made a report thereon, which was laid on the table.

Mr. RHEA, from the Committee on Pensions and Revolutionary Claims, reported a bill for the relief of Sophia B. Ford, Nathan Ford, and Jacob Arnold, junior, administrators of the estate of Mahlon Ford, deceased; which was read twice, and committed to the Committee of the Whole, to which is committed the bill concerning invalid pensioners.

Mr. MCLANE, from the Committee of Ways and Means, reported a bill authorizing the employment of additional clerks, and of certain messengers and assistants, in the several departments; which was read twice, and ordered to lie on the table.

Mr. HUBBARD, from the same committee, to which was referred the bill from the Senate, entitled "An act for the relief of Ebenezer Stevens and others," reported the same without amendment, and it was committed to the Committee of the Whole, to which is committed the bill from the Senate, entitled "An act for the relief of John Byers."

The Committee on Pensions and Revolutionary Claims were discharged from the further consideration of the petition of Sarah Gorham, and it was committed to the Committee of the Whole, to which is committed the bill concerning invalid pensioners.

Mr. ROSS, from the Committee of Revisal and Unfinished Business, reported a bill to revive and extend the time allowed for the redemption of lands sold for direct taxes, in certain cases; which was read twice, and ordered to be engrossed and read a third time to-morrow.

Mr. WALWORTH, from the Committee on Military Affairs, to which was referred the petition of the Rector and Trustees of the Catholic Apostolic and Roman Church of Saint Anne, of Detroit, made a report thereon, accompanied by a bill for the relief of the Corporation of the Church of Saint Anne, and to authorize the extension of Larned street; which was read twice, and committed to a Committee of the whole House to-morrow.

Mr. MCCOY, from the Select Committee, appointed on the 25th of January, on the subject, reported a bill vesting in the State of Virginia the right of the United States to all fines assessed for the non-performance of militia duty, during the late war with Great Britain, within said State; which was read twice, and ordered to lie on the table.

Mr. FULLER gave notice that he should, on Monday next, ask to take up the bill to fix the Naval Peace Establishment.

Mr. MCLANE gave notice that he would call up the General Appropriation bill on the same day.

On motion of Mr. WOOD, the Committee on Commerce were instructed to inquire into the expediency of making a further appropriation for the construction of the lighthouse at Oldfield Point, in the State of New York.

On motion of Mr. LITTLE, the Committee on the Public Lands were instructed to inquire into the expediency of authorizing, hereafter, a person other than the President, to sign all patents for land.

On motion of Mr. FULLER, the Committee on Naval Affairs were instructed to inquire into the expediency of reviving, for a limited time, the acts allowing pensions to the widows and orphan

children of the officers, seamen, and marines, in the public and private armed ships of the United States, during the late war with Great Britain.

On motion of Mr. MERCER, the Committee on the District of Columbia were instructed to inquire into the expediency of amending the laws regulating the inspection of flour in the city of Alexandria, within the said District.

Mr. CAMPBELL, of Ohio, was excused from serving on the committee appointed on the petition of the administrators of John H. Piatt, deceased, and Mr. VANCE was appointed of the said committee, in his place.

The Committee of the Whole to which is committed the report of the Committee on Pensions and Revolutionary Claims, on the petition of Sarah Easton and Dorothy Storer, were discharged from the further consideration thereof, and the report was laid on the table.

Bills from the Senate, of the following titles, to wit:

1. An act for the relief of Samuel Buel;
2. An act to divide the State of South Carolina into two judicial districts;
3. An act to repeal so much of an act, passed the 18th of April, 1806, as limits the price of certain lands in the State of Tennessee;
4. An act to establish an additional land office in the State of Missouri;
5. An act providing for the accommodation of the circuit court of the United States for Washington county, in the District of Columbia, and for the preservation of the records of said court; were severally read twice, and referred; the 1st and 2d, to the Committee on the Judiciary; the 3d and 4th, to the Committee on the Public Lands; and the 5th, to the Committee for the District of Columbia.

The bill from the Senate, entitled "An act for the relief of Samuel F. Hooker," was read the third time as amended; and, being on its passage, it was, on motion of Mr. WILLIAMS, of North Carolina, laid on the table.

An engrossed bill, entitled "An act for the relief of James Hyde," was read the third time, and passed.

The engrossed bill supplementary to, and to amend an act, entitled "An act to regulate the collection of duties on imports and tonnage," passed 2d March, 1799, and to repeal an act supplementary thereto, passed the 20th April, 1818, and for other purposes, was read the third time and passed.

On the question to agree to the title of the bill, Mr. MCLANE moved to strike therefrom the words "and to repeal an act supplementary thereto, passed 20th April, 1818;" which was determined in the affirmative.

The bill was then sent to the Senate for concurrence.

DIGEST OF MANUFACTURES.

The engrossed resolution providing for the distribution of the digest of manufactures, &c., prepared under the direction of the Secretary of State, in obedience to a resolution of Congress being now before the House on its passage—

Mr. CAMPBELL, of Ohio, moved to amend the resolution (which, in this stage of its progress, can only be done by unanimous consent) by inserting at the end of the resolution the following: "And that the residue thereof be deposited in the Library of Congress."

Mr. WRIGHT objected, and denounced the compilation itself as deceptive, from its imperfection. In the returns of the State of which he was a Representative, he said that the three counties of Talbot, Caroline, and Queen Ann, the very counties which he represented, were wholly omitted.

Hereupon arose a debate, or rather a succession of suggestions, which occupied more than half an hour.

Mr. CAMPBELL said, if there were errors, they were in the returns, and not imputable, as he understood Mr. WRIGHT as suggesting, to the Secretary of State, under whose direction the digest had been made.

Mr. FULLER said that the returns might have been imperfect, among other circumstances, from the refusal of persons engaged in manufactures to answer the queries, owing to their reluctance to disclosing their profits, &c.

Mr. WRIGHT disclaimed any intention to impute the errors or omissions of the digest of these returns to the Secretary of State.

Mr. WOOD said there were doubtless inaccuracies as to many districts in the United States; but, if so, they were the fault of the marshals, which could not now be remedied, and the returns must be taken as they are, affording, though not perfect, a good deal of useful information.

Mr. TAYLOR said that nothing would be saved by refusing to distribute these digests. Fifteen hundred copies had been printed, and were now in possession of the Government. If the digest is so radically wrong that the copies had better be destroyed, said Mr. T., let us at once make a bonfire of them. If, however, they contain any information, it is valuable, and provision ought to be made for the distribution of it. Gentlemen should recollect that no account was taken of manufactures, strictly domestic, at the last census. In the census of 1810 an account of them was taken, but not in such a manner as to afford any useful information. In those counties in Maryland, which had been named, probably there are no manufacturing establishments, and the fact is equally apparent from omitting the counties, as if it were stated in so many words, "in those counties there are no manufacturing establishments." There might be some manufacturing establishments omitted in the enumeration; if so, it has been the fault of the marshal or his assistants, &c.

Mr. BAYLIES said the best course to pursue in regard to these volumes, would be that hinted at by the gentleman from New York—to take all these books, put them in a pile together, and make a bonfire of them. I represent, said he, perhaps the most manufacturing district in the State of Massachusetts, and there is not in this digest the

least notice of it. So far from throwing any light upon the extent of our manufactures, it was only calculated to lead us into error.

Mr. COCKE said if the proposition were to collect these books, and deposite them in the Library or elsewhere, he should not be opposed to it. But, if they were distributed by order of Congress, they would carry with them the authority of the sanction of Congress. Any member who would examine the digest would find that it was not correct as to the district which he himself represents. To publish this book, then, would be to give a false coloring to the people of the United States and to the whole world in regard to our manufactures. The district which I represent, said he, is not manufacturing, but we have some manufacturing establishments, and they are not contained in the digest.

Mr. WALWORTH said, since the copies of the digest had been printed, he thought they had better be distributed. There was some matter in the digest that might be of value. It had been said that the errors or omissions might be the fault of the marshals, in part. In the county in which I reside, said Mr. W., the principal manufactory at which are annually made a great quantity of sheet iron, and one or two hundred tons of nails is not noticed in the digest, though it is within my personal knowledge that a particular detailed statement was taken by the marshal of that manufactory. So far as regards that manufactory, therefore, the marshal was not in fault.

Mr. PIERSON stated, that, in many cases of error or omission, he was satisfied the fault did not rest either with the marshals or their assistants. Printed queries, with blanks for the answers, were left by the marshals and their assistants with the manufacturers, who, in many cases, refused to fill them up, saying they knew not what business the Government had to pry into their affairs, &c. The fault, if any, in this business, was probably in the law. Mr. P. added, however, that he had examined the census of the manufactures of several counties he was acquainted with, and, so far as he had examined them, he had found them very accurate.

Mr. CAMPBELL, of Ohio, said, that he did not suppose the census was perfect, being the work of so many hands. But did gentlemen undertake to say that it contained no information? If there is any information in it, said he, let us send it out. He said he had spent one evening at least in examining the Digest, as far as regarded his own state, and he had found it essentially correct. There was a difference of opinion among those persons who took the census, on the extent to which the census of manufactures was to be taken, some thinking that accounts were to be taken of large manufactories only, whilst others included the shoemakers, hatters, &c. Thus the returns were more comprehensive from some districts than from others. Having gone to the expense of collecting this information, Mr. C. said, the House ought not to suppress it.

Mr. FULLER said with regard to the nature and causes of the alleged imperfection in the census, he concurred entirely with the gentleman from Ohio. The marshals and their assistants had good reason to complain that the compensation allowed for the duty imposed upon them was very inadequate; and the cause mentioned by the gentleman from New York (Mr. PIERSON) was another reason why the returns were occasionally defective. So far as the Digest went, he believed it was a very good one, and such as to give a general idea of the extent of the manufactures of the country.

Mr. TAYLOR moved the reference of the resolution to a select committee, with a view to incorporating in it the amendment proposed by Mr. CAMPBELL.

Mr. WRIGHT made some further observations on the subject. If this Digest were to go to the world, with the omission of the counties composing his district, he said, as the term "national industry" had attained a technical meaning, exclusively confined to the labor in workshops, it might be said that a gentleman from Maryland (himself) represented a set of lazy folks, when, in fact, they had as much industry as the manufacturers. It was sending forth a statement of manufactures notoriously erroneous, and misleading the people, as the withholding of any part of the manufactures is keeping back a part of the truth, &c.

Mr. PATTERSON, of New York, said, that the Digest varied from the original returns by the manufacturers, as was within his personal knowledge, in some instances.

Mr. COCKE said he did not know how far the gentleman from New York proposed that the select committee should investigate this subject. If it was proposed that they should report their opinions as to the correctness of this book, Mr. C. perfectly agreed with him, that there should be an investigation, and a report that the book was replete with falsehood, from beginning to end. If such investigation was his object, Mr. C. suggested that the Committee of Manufactures, who must so thoroughly understand the subject, would be the proper committee to refer it to.

Mr. MITCHELL, of South Carolina, expressed his objections to the distributing these copies, as proposed, with the omissions and inaccuracies which had been described. Can we, said he, with any propriety, send this book forth to the world with all its imperfections on its head?

He moved to lay the resolution on the table.

This motion was agreed to, without debate.

NEW TARIFF BILL.

The House then again, in Committee of the Whole on the state of the Union, resumed the consideration of the bill for the more effectual protection of domestic manufactures—Mr. TOMLINSON in the Chair—the pending motion being to strike from the bill its enacting clause.

Mr. EUSTIS delivered his sentiments against striking out the enacting clause of the bill, because he was favorable to most of the items of the bill, though opposed to others.

[The following is the substance only of the remarks made by Mr. EUSTIS, of Massachusetts. The distance of the reporter rendered it impossible to hear distinctly, or report with accuracy all that was said. —*Editors Nat. Int.*]

Mr. Chairman: To the motion to strike out the enacting clause of the bill, which implies its rejection, I am opposed, as the general object proposed in it appears to me to be founded in good policy, and to embrace the permanent interests of the nation. When the details come under consideration, it will be competent for the committee to determine the expediency of adopting or rejecting any of its pacific provisions. The question now under consideration is, whether any aid or encouragement shall be given to the manufacture of certain articles, the raw materials of which are the produce of our own country; and whether the growth and increase of those articles shall receive a protecting aid from Government. And here I desire to be understood distinctly, that protecting, and not prohibitory duties, will be the objects and limits by which I shall be bound. To encourage the growth and production of the raw materials which are of primary necessity, and to foster the manufacture of them in our own country, is at all times dictated by sound policy. No nation can be said to be independent which relies on other and distant nations for supplies necessary to their comfortable subsistence, which are liable to be cut off by war or other accidents. Let us inquire whether this is our case.

That we enjoy a high degree of civil and religious liberty is clear. Have we within ourselves the means of defending these rights, when they are invaded by a foreign nation? Let us appeal to facts and experience for an answer, first determining what are the necessary means. Soldiers, seamen, provisions, tents and clothing to cover them, arms, ammunition, ships, batteries and fortifications. Soldiers and seamen you have; provisions you have also in abundance. At great expense, you have provided arms, ammunition, ships, and fortifications. The covering and clothing you have not. Is this true? To those whose memories extend to the war of our Revolution, the hardships and the loss of the thousands of lives sustained in that conflict, from a deficiency in the article of clothing, are well known. In the last war, the same losses and the same sacrifices were incurred. And, if you will trust to the reports of your commissariat, you will find that the operations of your army would have been paralyzed, had not the fortuitous arrival of foreign vessels brought you supplies. And, in case of declaring war again, if the same cause will produce the same effect, you will be subject to the same embarrassment. Is not this a time, when the world is at peace, to prevent a recurrence of such a calamity, by commencing a system which shall give encouragement to the manufacture of coarse woollens, canvass, and other articles, by making a small addition to the existing duties imposed on their importation from foreign countries? "Wood, hemp, and iron," have been justly designated, by one of the greatest men in this country, the elements of ship-building. Wood is the natural product of our soil. For iron and manufactured hemp, we are obliged to cross the Atlantic, and transport them from England, Sweden, and Russia, liable to be cut off by every Power commanding the ocean, and especially in time of war, when they are indispensably necessary to our navy. The navy, then, as well as the army, requires that we should look to and cultivate our own resources.

It is objected to the bill, that it will injure the agriculturists, by forcing them to become manufacturers, diminishing thereby their numbers. One of the effects of our free Government is, that it leaves every citizen to choose his occupation, and to pursue it unmolested. No clause or provision of the bill touches or interferes with that right. It is well known, that, in the towns and villages in the middle and eastern States, there are numbers of men who, from constitutional or other causes, prefer the labor of factories to those of the field. The actual state of the country proves it. There are also thousands of women and children employed in these factories, a part of whom would otherwise be consumers, and not producers or laborers, and all of whom gain a comfortable livelihood. It is also to be observed, that the demand for the produce of the farmer is increased. In the vicinity of every factory, the value of land is enhanced, while the land is better cultivated.

Another good effect, and a very important one, arises from the extension of woollen factories. They increase the demand for wool. And it is well known that we are deficient in this great staple. This increased demand induces the farmer, when protected from foreign competition, to enlarge his flocks, for which he must also increase his number of hands. Thus agriculture and manufactures act and react upon each other, promoting their mutual benefit and the solid interests of their country.

It is further objected, that the proposed duties will bring ruin on the commerce of the country. This appears to be equally groundless with the other objections. The products of the factories proposed to be protected will, in time, become increased to a degree which will require transportation coastwise and to foreign countries, giving thereby a new source of employ to our ships. If it should have an indirect effect (which is doubtful) to check in a small degree the excessive importation of foreign goods, would that be considered a calamity to the country? The credits given to our merchants by foreign nations have been represented to be all important. Admitting that they have been beneficial, it may not be amiss to glance at the consequences of the excessive importations which those credits have enabled them to make. Look at the state of the commercial parts of the nation for the last four years. See the ruin and distress in which the merchants have been involved; count the number of deserted stores and dwelling houses—the farms, and other property, made over or pledged to redeem these credits; examine your prisons, filled with bankrupts, petitioning this and the State governments for insolvent laws; look at their distressed families;

count the number of mechanics and farmers involved in their ruin, in consequence of the credit obtained by them in this country by virtue of their credits in foreign countries, and you may find some alleviation of the unfounded charge of an intention to ruin commerce.

Again: It has been said that this measure favors the eastern and northern sections of the Union, and will bear hard on the southern, who are not manufacturing States, and will be resisted by them. I consider the objects of the bill to be of a national, and not of a sectional nature. To provide the means of national defence is of equal importance, and alike interesting to every part. The same objection applies to the additional duty on foreign vessels, and on goods imported in foreign vessels. This duty encourages ship building and our own seamen. The immediate advantage alights on the Atlantic States, but the common effect, that of the national defence, applies alike to all the States. The enlightened statesmen of the South saw it in its true light, and assented to the measure. And are these members now to be invited to object to this bill, which has a national object in view, because in its operation it may afford employment for the labors of their less wealthy eastern brethren? To their wisdom and patriotism the appeal may be safely made.

Mr. BUCHANAN, of Pennsylvania, said, the question now under discussion before the Committee, although one of considerable consequence, had assumed an air of importance to which it was not entitled. The argument has proceeded, as though we were now about to decide whether we should change the settled policy of this country, in its intercourse with foreign nations, and adopt a system strictly prohibitory and restrictive; whether we should close our ports against all the nations of the earth, and sweep our foreign commerce from the ocean, for the purpose of encouraging our domestic manufactures. The imprudence of some of the friends of the bill, has given to its enemies a plausible pretext for this course of argument. The gentleman from Massachusetts (Mr. GORHAM) has availed himself of this advantage. Instead of attacking the provisions contained in the bill, he has, ingeniously, and with a force of argument which I have rarely heard equaled, assailed some of the principles by which it has been supported. He has considered this as as question, whether we should at once abandon the policy under which we have been acting, from the adoption of the Federal Constitution, and substitute in its stead a restrictive system; and, if this were the true state of the case, he should have my hearty co-operation.

Assuming these premises, that gentleman has presented before us a number of horrid images, sufficient to startle the imagination, not as the creatures of his own fancy, which they truly are, but as the genuine production of the bill. He has declared that it is an attempt by one portion of the Union, for its own peculiar advantage, to impose ruinous taxes upon another. He has represented it as an effort to compel the agriculturists of the South to pay tribute to the manufacturers of the North; he has proclaimed it to be a tyrannical measure. He has gone further, and boldly declared that the people of the South should resist such a law, and that they ought to resist it. After this wonderful display, would any one believe that the present measure is dictated by the pecuniary necessities of the country, and the only question to be determined is—what are the most proper sources from which to derive additional revenue? The Secretary of the Treasury has done his duty, and disclosed to the nation the real situation of its finances. He has informed us that, in the year 1825, there will, in his opinion, be a deficiency, under the present system, of about $1,250,000, even after allowing a credit for the $8,000,000 which he estimates will, at the commencement of that year, be remaining in the Treasury, after paying the expenses of the preceding years. The gentleman from New York (Mr. CAMBRELENG) has, notwithstanding, declared, that we have an overflowing Treasury, and that there is no necessity for increasing our revenue. The Secretary and he are at issue upon this point: and although I am disposed to give great credit to his opinions, particularly upon subjects of that nature, yet those of the distinguished officer, placed by your laws at the head of the Treasury, are entitled to still greater weight. Fortunately, however, this is a subject not involved in any mystery; but is one about which we can all judge. We know, from the report of the Committee of Ways and Means, made at the last session, that the proportion of our public debt which will be redeemable in the years 1825, 1826, 1827, and 1828, amounts to sixty-three millions seven hundred and eighty-six thousand one hundred and thirty-seven dollars and seventy-four cents. It is estimated by the Secretary, that, after applying the eight millions of dollars, which he expects will have accumulated in the Treasury on the first of January, 1825, towards the extinguishment of the debt redeemable in that year, there will still remain a deficit of about $1,250,000.

In what manner, then, do gentlemen propose to meet this deficiency? In what manner do they propose, not only to effect this purpose in 1825, but to pay upwards of forty-six million dollars of debt, which ought to be paid in the three succeeding years? In what estimation should that man's wisdom be held, who would fancy himself rich, and neglect to provide the means of discharging a debt of ten thousand dollars, which will not be payable till the year 1825, because he believes that in the mean time his ordinary revenue will yield him five hundred dollars beyond his ordinary expenses? This is precisely the situation of the Government; and yet the respectable gentleman from New York has informed us that there is no necessity for providing any additional ways and means.

There can be no doubt but that every member of this Committee will concur with me in opinion, that our debt ought, if possible, to be discharged as soon as it shall be redeemable. No one will contend that a public debt is a public blessing. The payment of the national debt is one of the best means of preparing for war. The resources

of the nation ought not to continue mortgaged to the public creditor; but they should be left entire, and ready to be applied at all times towards the defence of the country. This, at least is my system of policy.

Under this view of the subject, we are brought, irresistibly, to the conclusion, that revenue must be raised; at least, that it ought to be raised. The question, then, is, from what objects shall we derive the means necessary to extinguish the national debt? It is admitted by all, that a duty upon imports is the most economical and least oppressive mode of raising revenue. It is the mode most consonant to the feelings of a free people. It does not require the agency of the exciseman, or the tax-gatherer. The practice of the Government, for more than thirty years, has sanctified this method, in the minds of the people. They will not now readily submit to direct taxes, or to excises when the country is at peace. I say, emphatically, when the country is at peace; because I know that in times of actual war, or of approaching danger, the American people will cheerfully submit to any sacrifices which may be necessary to provide for the common defence, and promote the security and the glory of the nation.

The necessity of adopting a new tariff, for the purpose of raising revenue, has not only been stated by the Secretary of the Treasury, but he has distinctly recommended many of the articles, on the importation of which, additional duties should be imposed. These are all embraced in the provisions of the present bill, though the increase of duty is, in several instances, greater than what he recommended. Yet, notwithstanding its friends have declared their intention to amend it, and make it conform more nearly with that recommendation, this is the measure, whose blasting influence, if adopted, gentlemen declare, will paralyze agriculture, ruin commerce, and destroy the Navy. Phantoms, the most deadly and destructive, have been presented before the Committee, as the natural offspring of this measure. One would almost be led to believe, that the bill now under consideration was the true box of Pandora, from which, if enacted into a law, all the evils that can invade the human race would proceed. The gentlemen from Georgia and from Massachusetts, (Mr. Tattnall and Mr. Gorham,) have proclaimed it tyranny, and tyranny which ought to be resisted. Yet all this mighty conflagration has been raised to intimidate us from adopting a system, which, in substance, has been recommended by the intelligent and independent officer at the head of the Treasury; merely because, in its indirect operation, it may benefit certain necessary domestic manufactures. I confess I never did expect to hear inflammatory speeches of this kind within these walls, which ought to be sacred to union; I never did expect to hear the East counselling the South to resistance, that we might thus be deterred from prosecuting a measure of policy, urged upon us by the necessities of the country. If I know myself, I am a politician neither of the East, nor of the West, of the North, nor of the South; I, therefore, shall forever avoid any expressions, the direct tendency of which must be to create sectional jealousies, sectional divisions, and, at length, disunion, that worst and last of all political calamities.

The gentlemen will, I trust, be mistaken in their object. They will not be able, by calling this bill a prohibitory system, and by taking that for granted which has no existence, except in their own imagination, to deter its friends from pursuing a steady course in the accomplishment of their object. The gentleman from Massachusetts, (Mr. Gorham,) like the ancient Archimedes, only wants a place to stand upon; he could then move the world. If the bill really contained those destructive provisions which have been placed in terrible array before us, the whole American people would rise up with one consent against it; not in rebellion, because for that there could be no occasion; but in their sovereign character of voters, and discharge from the councils of the nation those Representatives who had trampled upon their dearest rights.

I have now arrived at that point in the argument when it becomes necessary that I should declare to what extent I am willing, at this time, to proceed in the protection of domestic manufactures. Upon this subject, I hope I shall not be misunderstood. I think I have shown, that it is now necessary to increase our revenue from imposts. In selecting the objects of additional duty, I would do it with a view to the encouragement of such domestic manufactures as are necessary for the defence of the nation, and for the consumption of the great mass of your people; and more particularly those articles of which your country furnishes the raw material in abundance. By this means, whilst you raise revenue, you indirectly, but gradually, encourage such manufactures as will render you more independent of foreign nations. The gentleman from Massachusetts (Mr. Gorham) has asked, are we not independent when we purchase what we want from foreign nations, and pay them the price demanded? I answer, yes: but we would be much more independent if we could derive from our own manufactories those articles which are commonly called the necessaries of life, and those without which you cannot carry on war. When a nation is in this situation, she is prepared for a state of war, as well as of peace; she is prepared for the day of adversity, as well as the day of prosperity. Her necessary supplies are not then dependent upon the will of foreign Powers, who may be in a state of hostility against her; but she has her own resources under her own control.

The gentleman from Massachusetts (Mr. Gorham) has urged, as another argument against this bill, that it is a mere compromise, and that there is no one article on which an additional duty could be imposed without the others. This may be true, and it ought to be true. The Federal Constitution was itself a compromise. Our Government extends over a vast territory; and, therefore, in the selection of articles on which to impose additional duties, you should consult the advantage of every part. You should study equal-

ity, and scatter the advantages of your system as widely as possible. This is the only course of policy which will perpetuate harmony among all the States. It was by a combination of this nature, between the cotton growers of the South and the manufacturers of the North, that the introduction of coarse cottons into the country from abroad has been in effect prohibited, by the high rate of duties. Is it not, then, ungenerous for the South and the East to sound the tocsin of alarm and of resistance, when we wish to benefit the agriculture and manufactures of the Middle and Western States indirectly, by the imposition of necessary duties? We do not ask the same encouragement for the growth and manufacture of any article, that has been afforded to that of cotton. For one, I desire at present no prohibitory duty on any other article. All that we ask of you is, that, as you must raise revenue, you should do it in such a manner as to give some indirect encouragement to the agriculture and manufactures of the middle portion of the Union. Give us a small share of the same advantages which we have freely concurred in bestowing upon you.

This bill will make no change in the well settled policy of the country. It pursues the system under which this Union has flourished. The practice of the Government, for more than thirty years, has been gradually to encourage those domestic manufactures most important to the country. We have moved along in this course, not rashly, but cautiously. The end has been the collection of revenue; in its attainment we have adopted a system of duties calculated to afford protection to our own manufactures, not for the purpose of prohibiting the importation of foreign fabrics, but to bring our own into fair competition with them. This policy, which accommodates itself to our circumstances, is infinitely better than either the dreams of political economists, who, on the one hand, would cast off every restriction, and open your ports to all the world, or the systems of those who, on the other, are so devotedly the friends of domestic manufactures, that they would sacrifice the commercial, and injure the agricultural interests of the country for their promotion. Experience is the best school of politics. The gentleman from Massachusetts (Mr. GORHAM) has stated that, for the last twenty years, all the distinguished writers on political economy have denounced the restrictive system, and have advocated what has been called the "let us alone" policy. In answer to their theory, I will produce an experiment. The Emperor Alexander became a convert to these notions. In 1820 he adopted a new tariff, reducing the duties generally, and repealing most of the prohibitions. The ports of that vast empire were thrown open to all the merchants of the world. The golden age of modern political economists had arrived; they had made a convert, who had the power and the inclination to bring their system into practical effect. What were the consequences? Two short years were sufficient for the experiment. In two short years Russia was reduced from a state of unexampled prosperity, to which she had attained by pursuing a contrary policy, to a state of unexampled depression. The edict was repealed; a new tariff was adopted; and it was declared by that Government that, under the operation of the tariff of 1820, "agriculture 'without a market, industry without protection, 'languish and decline. Specie is exported, and 'the most solid commercial houses are shaken." I would recommend to gentlemen a perusal of the whole of this admirable State paper, from which I have quoted but a few lines.

The gentlemen have contended that, should this bill be adopted, the agricultural interest of the country will be greatly injured. If this were the case, it would be a conclusive objection to its passage. The farmers are the most useful, as they are the most numerous class of society. No measure ought ever to be adopted by the Government which would bear hardly upon them. They are the body of men among whom you may expect to find, in an eminent degree, that virtue without which your republican institutions could not continue to exist. Agriculture is the most noble employment of man. It communicates vigor to the body, and independence to the mind. My constituents are principally farmers, and I should feel it both my duty and my inclination to resist any measure which would be pernicious to their interest.

The agriculturists are the great body of consumers. It is from them that the revenue must principally be derived, no matter what may be the mode by which it is collected. They must equally pay it, whether in the shape of an excise, a land tax, or an impost upon the importation of foreign articles. I will never consent to adopt a general restrictive system, because that class of the community would then be left at the mercy of the manufacturers. The interest of the many would thus be sacrificed to promote the wealth of the few. The farmer, then, in addition to the premium which he would thus be compelled to pay the manufacturer, would have also to sustain the expenses of the Government. If this bill proposed a system which would lead to such abuses, it should not receive my support.

I consider this bill as a revenue measure. Money must be collected—the public debt must be paid—and a large proportion of the money to pay it must come from the farmer. I have shown that the imposition of additional duties is the best and cheapest mode of collecting taxes. If, then, at the same time that the farmer is paying an additional duty to the Government in the increased price of the imported foreign articles which he consumes, the domestic manufacturer can, by that means, be enabled to enter into competition with the foreign manufacturer, in the home market, in what manner is the farmer injured? He is not only not injured, but he will be benefited. If, for example, the agriculturist, by paying a small additional duty for one or two years, can be certain then of purchasing domestic articles equally cheap with foreign; and if he can thus procure a home market for the products of his own industry, he is greatly the gainer by the measure. The loss, if

any, which he would sustain at first, is amply compensated by the benefit at last. This was the case with respect to the duty imposed upon coarse cotton goods. Although the growers of cotton, and other consumers, may, in the beginning, have had to pay more for articles of this description than formerly, yet the price is at present reduced lower than it ever was. The goods are so much better and cheaper than the foreign fabric, that they are now exported. The planters of the South have thus obtained a certain market in the North for their cotton; not one liable to the fluctuations and the changes incident to the policy of foreign governments. The trade and the mutual dependence to which this measure has given birth, serve to tighten the bonds of union between these two portions of our country, and is, therefore, a political measure of great consequence. The planters of the South have thus become necessary to the manufacturers of the North. And thus, if a wise and prudent system of policy shall be pursued, all the States will be indissolubly bound together by their interest, as well as their inclination. Nature has declared that our mutual wants, and our mutual means of gratifying them, shall bind this Republic together. Nothing but the mistaken policy of man can ever tear it asunder.

The gentleman from Massachusetts (Mr. Gorham) has argued as though the direct effect of this bill would be to destroy commerce, and to prostrate the Navy. If this were true, it would be a most powerful argument against it. The merchants are a respectable and useful class of men, and are entitled to the protection of the Government. Without commerce, your Navy cannot exist. It is the only school in which sailors can be instructed. The first lesson in politics which I ever learned was to admire the Navy. That which in the beginning was perhaps honest prejudice, has now become rational conviction. The Navy is our best defence from external enemies; it is our best security for perpetual union. The sailors of the Northern and Middle States are necessary to the prosperity of all the inhabitants of the vast Valley of the Mississippi. The outlet of that river can only be preserved free and open by a naval force. I would not, therefore, sacrifice the interests of commerce to promote manufactures. This bill will produce no such effect. Its operation in favor of manufactures will be gradual—almost imperceptible. The additional consumption from the rapid increase of our population will be equal, or nearly equal, to the increase of manufactured articles. If at last any of the branches shall become so perfect in its kind as to exclude foreign articles of the same description, this will be the work of many years. In the mean time, the commercial capital employed in that particular trade will find new channels. Speaking of this subject, the Secretary of the Treasury, in his annual report, says:

"It is however presumed that the revenue will continue to be augmented by the proposed alterations in the tariff until the public debt shall have been redeemed; after which, the public expenditure in time of peace will be diminished to the extent of the Sinking Fund, which is at present ten millions of dollars. But, if, contrary to the present anticipations, the proposed augmentation of duties should, before the public debt be redeemed, produce a diminution of the revenue arising from the importation of those articles, a corresponding, if not a greater augmentation, may be confidently expected upon other articles imported into the United States. This supposition rests upon the two-fold conviction that foreign articles nearly equal to the value of the domestic exports will be imported and consumed; and that the substitution of particular classes of domestic articles for those of foreign nations not only does not necessarily diminish the value of domestic exports, but usually tends to increase that value."

There is one circumstance which will always serve to secure the merchants of the country against the manufacturers, and that is the necessity, in time of peace, of collecting our revenue from imposts. Should such a general prohibitory system be adopted in favor of domestic manufactures, as to make a resort to direct taxes necessary for the support of Government in time of peace, the reaction will be dreadful. The people would at once rise in their majesty, and legislate the evil out of existence. In this, however, their own true interest will compel the manufacturers to study the interest of the merchants.

It has been said by the gentleman from Massachusetts (Mr. Gorham) that if you impose additional duties on foreign articles, you thereby give to the domestic manufacturer a pledge which you can never in good faith withdraw. That, therefore, you cannot repeal laws of this nature, should they prove injurious. This conclusion I deny. The manufacturers must act upon the laws at their own peril. They are merely intended to plant those manufactures natural to our soil and to our country. After they have been fairly brought into existence, if they cannot support themselves without extraordinary duties, or, in other words, without continual contributions from the consumers, they must be abandoned by the Government. If any manufacture is discovered to be a mere hot-bed production—that cannot flourish in our climate without artificial warmth—it must be left to its fate. It is one of such a description as should never have been planted. In order to avoid this disagreeable alternative, however, we should be careful to legislate in favor of such branches of manufactures only as are congenial to our country. We have hitherto been eminently successful in this particular. The selection of cotton manufactures was judicious in the highest degree. They have now taken deep root, and can flourish against any foreign competition. If the case had been otherwise, the result would have shown that they ought not to have been brought into existence by the protection of our laws.

Another powerful reason which exists for the passage of this bill, is, that the balance of trade for some years has been clearly against us. It is a notorious fact that specie, that Government stock, that Bank stock of the United States, and even the canal stock of the State of New York,—are rapidly leaving the country, to pay the debts

which we owe in Great Britain. Our importations have been extravagant, and should they continue so great, our wealth will be gradually drained from us, for the purpose of enriching foreign manufacturers.

It has been said that this evil will correct itself. So it must; but it will not be until the country is drained of its wealth, and our merchants can no longer obtain credit abroad. It will not be until we have got into a state of debt and depression, from which it will require years to recover.

The gentleman from New York (Mr. CAMBRELENG) has declared, that the larger the balance of trade against us, the greater the evidence of our prosperity. This, taken literally, is a paradox, which I know the gentleman did not mean. His intention was to say, that the larger the apparent balance of trade was against us, on the books of the custom-house, the stronger the evidence of our prosperity. For example, suppose our exports amounted to $16,000,000, our imports to $20,000,000, his conclusion is, that our commercial capital, industry and enterprise, are worth imports to the value of $4,000,000, and that thus the account is balanced, and the country is enriched. This would be true, provided, at the end of the negotiation, we were clear of debt. Without showing that to be the case, this argument is merely begging the question. Let me put a case, which approaches much nearer to the truth. Suppose our exports to be but $16,000,000, and our imports $20,000,000, and at the end of the year we are $2,000,000 in debt, how would the balance of the trade then stand? It would be precisely $2,000,000 against us. That this supposition approaches much more nearly to the real state of our foreign trade is evident, from the history of the country for the last few years. Is it not notorious, that our money and our stocks are rapidly disappearing, notwithstanding all the value of our commercial capital and industry employed in foreign trade? I am not one of those political croakers, who judge of the balance of trade by the books of the custom-house. If any estimate formed upon them were true, our imports so far exceed our exports, that we are, and have been for years, driving on to ruin with dreadful rapidity. This, we know not to be the fact. To our imports must be added, all the value of our commercial industry and enterprise, when we would compare them with our exports, for the purpose of ascertaining the true balance of trade. Their value never can be known with any tolerable accuracy. When, however, we find, that the precious metals and our stocks have continued for years to be leaving our country; when we know that the rate of exchange has been, during all that time, in favor of England, the conclusion is irresistible, that the actual balance of trade must be against us; but to what amount, I admit we cannot ascertain.

It has been said, that as gold is the only legal tender in England, and silver is a mere article of merchandise, and that as the value of silver, compared with that of gold, is much greater in this country, than in England, it is only the apparent rate of exchange which is against us. This circumstance, I admit, proves that the rate of exchange is not so much against us as it appears to be. But, making every allowance for this difference, exchange is, and has been for years, from four to seven per cent. in favor of England. This shows conclusively, that funds in England are always wanted by our merchants in this country; and for what purpose? Is it not self-evident, that it must be to pay the difference between the value of our exports and our imports?

It is perhaps unfortunate that this bill was reported by the Committee on Manufactures. Had one, containing the same principles, emanated from the Committee of Ways and Means, as a revenue measure, it would have encountered much less opposition. I ask gentlemen, however, to look through the form into the substance, and not suffer themselves to be alarmed at the adoption of a wise and politic system, merely because it has been entitled "a bill for the more effectual encouragement and protection of certain domestic manufactures," and not to raise revenue. The title of the bill can at any time be changed, and this would at once destroy one-half of the arguments which have been urged against its passage.

I have thus expressed my ideas respecting the general principles of the bill. It contains provisions, however, to which I am unfriendly, after having given them the most deliberate consideration. I am willing to encourage the manufacture of wool, by imposing an additional duty of five per cent. upon the importation of the foreign manufacture. The duty will then be thirty per cent. ad valorem. This in my opinion, is sufficient, at least for the present. The provision which declares, that the minimum valuation of each square yard, on which a duty is imposed, shall be eighty cents, would increase the duty to one hundred per cent. upon coarse woollens. This would at once amount to a prohibition of articles of that description—a measure for which the country is not at this time prepared. Although we import a vast quantity of woollen goods from abroad, we have not the raw material to supply even the woollen manufactures which already exist at home. We are, therefore, under the necessity of importing wool itself. What would then be the inevitable consequence of this measure, in the present state of the country? It would for many years, until we could raise wool and establish manufactories sufficient to supply the whole country, double the price of an article essential to the comfort of the poor. It would be a tax levied upon that portion of society least able to sustain it, and given as a premium to the manufacture of wool. Let us proceed gradually. If, after the lapse of years, we shall discover that we have an abundance of the raw material at home, and the manufacture of it is so well understood in the country, that the domestic competition will, in a short time reduce the price as low or lower than that of the foreign manufacture, then, and not till then, should we impose a prohibitory duty. It was thus we proceeded with respect to coarse cottons, and experience has justified the measure. At present, I am opposed to the imposition of a prohibitory duty on

any foreign articles, necessary to the comfort of the great body of our people.

I am decidedly in favor of the small additional duty of five dollars per ton, proposed by this bill on foreign iron. In the opinion of the Secretary of the Treasury, this would be strictly a revenue measure. I have made many inquiries on the subject, and the result has been a conviction upon my mind, that, under the new duty, as much of that article would be imported as there is at present. I confess, I was somewhat astonished to hear this proposition opposed with so much earnestness by the gentleman from Massachusetts, (Mr. Baylies,) and the gentleman from Rhode Island, (Mr. Durfee,) particularly the latter. He resides in a manufacturing district. The Eastern people have, by the indulgence and protection of the Government, acquired almost a monopoly of coarse cotton goods. The cottons and the sugars of the South have been amply protected. I am sorry, therefore, to find that gentlemen, from those portions of the Union, are unwilling to afford a small share of that bounty to the Middle States, which has been so liberally extended to them.

It has been stated by the gentleman from New York, (Mr. Cambreleng,) that the manufacturers of this article are now in a prosperous condition. In this he is certainly mistaken. To carry on the manufacture of iron, a great capital and a large body of land, producing timber, are both necessary. Those iron masters who had acquired sufficient wealth to survive the general wreck in which a large proportion of that class of citizens has been involved, are now prospering, if they live in a neighborhood at some distance from the seacoast, in which there is a demand for all the iron they can manufacture. In such a situation they can bring domestic into competition with foreign iron; because, in addition to the duty which it pays, the expense of transportation into the country is added to its price. What is the condition of those manufacturers of iron who have no market in their own neighborhood, and who, in addition to what the article costs them at home, have to pay the price of transporting it to market? Go into the interior and mountainous districts of Pennsylvania, and you will there discover. That country abounds with ore, with wood, and with water power. Some years ago manufactories of iron started up in abundance. They diffused wealth all around them. They afforded the best and surest market to the neighboring country for the products of agriculture. It is now a melancholy spectacle to behold them. They have sunk under the false policy of the Government, and their ruin has essentially injured the whole agricultural community by which they were surrounded.

Will the gentlemen from the East and South refuse to grant this small boon to the farmers and manufacturers of the Middle States? Suppose that the price of iron should be raised to them $5 per ton, which is by no means certain, would they, for the sake of twenty-five cents per hundred, refuse to grant us this trifling advantage? I trust not, especially when they consider that iron is a necessary both in war and in peace, and we ought not to be dependent for its supply on foreign nations.

I am, also, decidedly in favor of an additional duty upon articles manufactured of flax; because it will operate as a direct encouragement to the growers of that article, and thus favor the agricultural interest.

For the same reason, I am friendly to an additional duty on foreign hemp. The vast and fertile regions watered by the Mississippi and its tributary streams, is capable of producing an abundance of that article to supply the demand of the world. Why, then, should we go to Russia for our hemp? Why should we not give to the growers of it some additional encouragement, which will enable them to enter into fair competition, in our own market, with the foreign article? If you will do so, in a very little time hemp will be produced in such abundance, that the price, instead of being increased, will be diminished. It will soon be prepared for use as well as the Russian hemp. I have no wish to prohibit the importation of that article; all I desire is to see a fair competition established in our own market between that of foreign and of domestic growth. May not the agriculturists of the West say, with justice, to the cotton growers of the South, and manufacturers of the East, who have both been protected by the fostering care of the Government—we are your best customers; we consume immense quantities of your goods; why will you, then, go to Russia for your hemp, instead of purchasing it from us? Why will you be dependent upon a foreign nation for an article absolutely necessary to the existence of your Navy, when your own country can afford it in abundance? Whether the additional duty proposed in the present bill be too high or not, I will not say, until I have received further information on the subject.

But, Mr. Chairman, after we shall have done all this, a large and most important portion of your Union will have been comparatively neglected. What have you done for those States whose staple commodity is grain? The island of Great Britain, which supplies you with immense quantities of her manufactures, will not receive in exchange a single bushel of our grain or a barrel of our flour. Their ports are entirely closed against our breadstuffs, because it is their policy to give their own agriculturists exclusive possession of the home market. In adopting any measure for the collection of additional revenue, you should not forget the grain-growing States. It is my intention, therefore, to propose, as an amendment to this bill, that an additional duty of ten cents per gallon be imposed upon foreign spirits. This would operate directly in favor of the farmer, by increasing the price of the grain out of which whiskey is made; and the moral consequences which would flow from enhancing the price of that article, would be quite as favorable as those which are political. As I intend, when I shall offer the amendment, to present my views upon it somewhat in detail, I shall

not now trouble the Committee further upon this subject.

Upon the whole, then, I consider the present measure as one of great importance to the best interests of this country. It is a bill, as much, if not more for the encouragement of agriculture than of manufactures. I have the interests of agriculture at heart. If I could, for a single moment, believe, in the language of the gentleman from Georgia, (Mr. TATTNALL,) that this bill would compel the agricultural to bow down before the manufacturing interest, which he has figuratively called the golden calf, I should consider myself a traitor to my country in giving it any support. Believing, however, as I do, that it is a measure fraught with good to all, and doing injury to none, I trust that the gentlemen who have shown so much hostility to it will withdraw their opposition, and assist us in perfecting its details. It may then be made equally advantageous to the East, and to the West, and to the North, and to the South.

When Mr. BUCHANAN had concluded—

On motion of Mr. CUTHBERT, the Committee then rose. [This gentleman has the floor for to-morrow.]

SATURDAY, February 8.

Mr. WALWORTH, by leave of the House, presented a number of resolutions entered into at a meeting of the citizens of Essex county, in the State of New York, in favor of the encouragement of domestic manufactures; which resolutions were committed to the Committee of the Whole on the state of the Union, to which is committed the bill for the more effectual protection and encouragement of certain domestic manufactures.

Mr. KENT, from the Committee for the District of Columbia, to which was referred the bill from the Senate, entitled "An act providing for the accommodation of the circuit court of the United States for Washington county, in the District of Columbia, and for the preservation of the records of said court," reported the same without amendment, and it was committed to a Committee of the Whole.

Mr. RANKIN moved that the House do come to the following resolution:

Resolved, That the President of the United States be requested to communicate to the House of Representatives, at the next session of Congress, the information heretofore required by a resolution of this House, in relation to salt springs, lead and copper mines, accompanied by such other information as he may be in possession of, or obtain, as to the probable value of each of them, and of the reservations attached to each; of the extent to which they have been worked, or are susceptible of being worked; the advantages and proximity of each to navigable waters; the origin, nature, and extent, of any claims made to any of them by individuals or companies; together with any other information deemed important by him, in relation to such salt springs, lead and copper mines.

The rule requiring resolutions of this character to lie on the table one day being dispensed with, by unanimous consent, the question was taken to agree thereto, and passed in the affirmative.

The engrossed bill to revive and extend the time allowed for the redemption of lands sold for direct tax, in certain cases, was read a third time, and passed.

After a slight alteration in the title of the bill, the object of which went only to strike out the words "revive and"—the bill was sent to the Senate for its concurrence.

The SPEAKER communicated a letter from the Secretary of the Treasury, accompanying it with a statement in relation to the outstanding custom-house bonds, bonds taken for duties on merchandise and debentures issued for drawback, net amount of revenue on merchandise and tonnage, &c., and a statement of the whole amount of the unexpended balance of the sinking fund, distinguishing each year since 1817, all collated within specified periods; which letter was read, and with the statements, ordered to lie on the table.

VIRGINIA MILITIA FINES.

On motion of Mr. MCCOY, the House took up the bill, vesting in the State of Virginia the right of the United States, to all fines assessed for the non-performance of militia duty, during the late war with Great Britain, within said State.

Mr. MCCOY, presuming that there would be no objection to the bill, moved that it be ordered to its third reading.

Mr. CANNON opposed the third reading, under the conviction that, if legislation on this matter were at all necessary, it would be the duty of Congress to establish a general law on the subject of militia fines. If these fines were to be surrendered to any State, they ought to be surrendered to all the States. Mr. C. then moved to commit the bill to a Committee of the whole House.

Mr. MCCOY replied to Mr. CANNON, stating the reasons why it was necessary this bill should pass; and Mr. CANNON'S motion was negatived.

Mr. LATHROP moved to amend the bill by a slight modification, not materially affecting the main object of the bill—When, the question recurred on engrossment, and was decided in the affirmative.

ACCOUNTS OF D. D. TOMPKINS.

Mr. EUSTIS, from the committee appointed to inquire whether any legislative provision is necessary for the final adjustment of the accounts of Daniel D. Tompkins, made a report thereon, accompanied by a bill to provide for the settlement of the accounts of Daniel D. Tompkins, late Governor of the State of New York; which bill was read twice, and ordered to lie on the table.

The report is as follows:

The committee appointed to inquire whether any legislative provision is necessary for the final adjustment of the accounts of Daniel D. Tompkins, Esq., beg leave to submit the following report:

The Vice President of the United States has several demands against the Government, a part of which are opposed, not because they are unjust, but because they are not considered as coming within the rules of

office, and can only be allowed when a law shall pass, authorizing the departments to admit and settle them.

These demands may be classed under the following heads:

1st. Interest on sums of money advanced by him to the use of the United States, from the dates of the advances to the time of reimbursement.

2d. Reasonable commissions for disbursing $1,982,000, under the orders of Government, in the course of the late war, more than two-thirds of which was procured by himself from individuals, and various corporations, under pledges of personal responsibility to make good the payment.

3d. Indemnity for losses incurred by the frauds and failures of sub-agents, to whom money has been advanced through his hands; and

4th. Reparation for losses actually sustained in consequence of any failure on the part of Government to fulfil its engagements to send money, and advance Treasury notes to him, to be deposited in banks, as pledges for the repayment of loans, taken by him at the request of the Government for the use of the Treasury.

To understand these claims, and form a just opinion of their merits, it will be proper to recollect that the claimant was Governor of the State of New York, from the year 1807 until the 28th of February, 1817, when he resigned that office to fill the one which he now holds. That war was declared between the United States and Great Britain on the 18th June, 1812; that the frontier of New York was sometimes invaded, and constantly threatened, from the commencement of hostilities to the end of the war; that large detachments of militia from that State were called out upon requisitions of the General Government, from time to time, from the Spring of 1812 until the peace of 1815; that the system established to supply and pay the militia was imperfect and inadequate to the emergency, and that, consequently, the Governor of New York, in addition to the novel and arduous duties devolving on his station, was compelled to execute extraordinary and perplexing services, belonging, properly, to subordinate officers and agents.

The committee find, from the exhibits, as admitted on each side, that the Governor did disburse $1,982,000 for the Government, in the course of the late war, for which he was held responsible, and required to account at various bureaus of the Treasury and War Departments. If the items of this aggregate sum had been passed, as they should have been, directly from the War Department into the hands of proper disbursing officers, the suspended vouchers, and rejected claims, would have been adjusted by such officers in the usual manner, and the frauds and accidental losses must have fallen on the Treasury, as, in fact, they did in every other case, save that of the present claimant. In all other instances the contractors, quartermasters, paymasters, and public agents, accounted directly with the departments, and the Treasury had to lose what they failed to vouch for, or make good. In this case, and this alone, the Government held the civil and military chief of a State responsible for sums of money which were passed through his hands into those of disbursing agents, a part of whom were acting, not for him or his State, but for the Federal Government and the nation.

In the year 1814, the Governor was intrusted with the command of the military district No. 3, including the State of New York, and other contiguous parts of the Union. On the 15th of September, 1814, a letter was addressed to him, by the acting Secretary of War, now President of the United States, in which he says: "General Macomb, at Plattsburg, is in danger, from a superior force marching against him, and General Brown is alike exposed to imminent danger. It is in the power of your State to make an exertion that will not only save those armies, but crush the British force employed against them. May I entreat you to call out such a force in each quarter immediately, and hurry it to the scene of action. I do not go into any detail, because you are too well acquainted with all the circumstances meriting attention to require it. General Izard is marching to the aid of General Brown, but, as he takes Sackett's Harbor in his route, and depends on a conveyance thence by water, by Commodore Chauncey's flotilla, there is much uncertainty in his movement. I wish your measures to be taken independently of all calculation on him, since the expenses attending them count as nothing, compared with the salvation of Brown's army, and of the post of Sackett's Harbor, which must also claim your attention. It is the object of the enemy to overwhelm us this campaign; and I have satisfactory reason to believe, that they indulge the presumptuous hope of penetrating from the Lakes by Albany, to the city of New York. A vigorous and manly exertion is therefore particularly necessary on your part."

This letter calls for services of no ordinary character; the magnitude of which will not be diminished by recollections of the time. The condition of the Treasury, the disasters of the year, the hostile array upon our borders of veteran legions, fresh from fields of victory in Europe, united to deepen the solicitude and darken the prospect of the moment. At such a crisis was the Governor called upon to take the field in force, and check the adverse tide of war. The Treasury was acknowledged to be unable to furnish the necessary funds. The Governor was requested to call out an army that should "crush the enemy," and was obliged to raise the necessary funds, and to execute the service. He found the means of doing both, and from that time to this, he has been struggling with embarrassments, produced by his engagements and responsibilities for the public.

The committee is satisfied, that he made advances to the Government; that he borrowed about $1,382,827, from various corporations, to aid the National Treasury and promote the public service. That those loans were procured by him, at the earnest entreaties of the President, and the acting Secretary of War. That to aid him in procuring loans immediately, the Government promised to send him Treasury notes in thirty or forty days, which he was directed to pledge at $110,000 for $100,000; that, between the 1st of December, 1814, and the 17th of January, 1815, he found means to borrow $1,098,500, (part of the foregoing sum) from several corporations, including a loan of $400,000 from the corporation of the city of New York; for all which it appears that he had to make himself personally responsible by contracts; relying, on his part, upon the promise of Government to advance the Treasury notes, and take up his obligations. That a part only of the notes (say $854,000) were sent in proper time to relieve him. That the city corporation pressed him for the promised deposite, and for repayment, and that he was held up as a defaulter. That the failure of Government put it out

of his power to sustain his credit in the banks for such large sums. That his previous attention to public affairs had compelled him to neglect his own; and that the heavy pressure of those loans produced a derangement in his private concerns, which brought upon him, as he contends, an actual and specific loss of sixty thousand dollars.

The peculiar and complicated duties which were devolved upon the Governor as civil and military chief of the State and district referred to, and the special circumstances under which he was called upon to raise and disburse funds for the Federal Government, entitled him to expect an exact and prompt performance of its promises, and a speedy reimbursement to relieve him from his embarrassments.

It is admitted, that public moneys sent to him, or raised by him, have been faithfully applied to the public service or kept in deposite in banks, or with public agents, ready to be used at any moment. That he served his country faithfully and effectually, is known to all. That he ran imminent risks to serve it, is beyond a doubt. That the Treasury failed to fulfil its engagement with him, is no less certain, and it is manifest that no citizen could sustain himself without loss against the heavy pressure of such large sums. That he foresaw the perils which afterwards assailed him, is proven by the honorable Rufus King, who conversed with him in the autumn of 1814, about "the condition of the public Treasury; the unprotected state of the city of New York, and the inability of the General Government to protect it; and urged, from the peculiar situation in which Providence had placed him, that it was his solemn duty to make great exertions, and to assume great responsibilities. That the State in a great measure looked to him for its protection, and that he must call out the militia, and find resources to pay them. That the Governor had stated, in reply, that he was already committed very deeply, and that if he should go farther in pecuniary responsibilities, he must do it at the risk of ruin; on which Mr. King solemnly urged him to go on, and do his duty, and if ruin was the consequence, to consent to endure it, and look to the honor and gratitude of his country." He did so—he performed all that was required, and more than was promised or expected from him. This is known alike to the committee and the country, and is recorded in the annals of the day. Your committee must repeat, that the Governor foresaw the hazard he was running, that he took that hazard, fearlessly and generously, as became a patriot, trusting to the honor and justice of his country.

On an examination and consideration of the accounts and claims, with all the attending circumstances, it appears to your committee:

1st. That it is no more than an act of justice to allow interest on all moneys advanced by Mr. Tompkins, on account of the public, from the time of his making such advances, to the time of his being reimbursed.

2d. That it would be just and equitable to allow a reasonable commission on all moneys disbursed by him, during the late war.

3d. That he should be indemnified for losses sustained by him, in consequence of any failure on the part of Government to fulfil its engagements, to send him money and Treasury notes, within the time specified, to be deposited in certain banks, as collateral security for loans procured by him, at the request and on the account of Government.

4th. That he ought not to be held responsible for losses incurred by any frauds or failures of subagents, to whom moneys were advanced through his hands.

With this view of the subject, a bill, accompanying this report, is respectfully submitted.

JURISDICTION OF JUSTICES OF PEACE, D. C.

On motion of Mr. KENT, the House took up the bill to extend the jurisdiction of justices of the peace within the District of Columbia.

Several amendments were incorporated in the bill, in the discussion of the propriety of which, and on other points affecting its principles, Messrs. NEALE, WRIGHT, WOODSON, TAYLOR, and NELSON, of Maryland, participated.

Finally, the bill was ordered to be engrossed for a third reading on Monday.

[The bill, as ordered to be engrossed for a third reading, gives to justices of the peace jurisdiction over all cases in which the debt and damages do not exceed the sum of fifty dollars. Judgments may be superseded within sixty days from the rendition of the same, which supersedeas shall stay execution for six months thereafter. Justices are to keep dockets; on penalty, failing to do so, of being made liable for the amount of any debts prosecuted against them, the recovery of which is prevented by the omission to keep a docket. On the resignation or death of any justice, his docket is to be handed over to the clerk of the court. The judges of the circuit court shall not hold original plea in the said court, of any debt or damage in cases within the jurisdiction given to justices of the peace by this act, which shall not exceed fifty dollars, exclusive of costs. Appeals may be made to the circuit court from the judgment of any justice of the peace, in any case not exceeding five dollars. The constables are to levy executions on magistrates' judgments, in the same manner as the marshal now does those of the circuit court, previously to which they shall bond in two thousand dollars each for the due performance of their duties. In cases where the sum in litigation exceeds twenty dollars, either party may demand trial by jury; and the constable shall summon a jury of twelve persons by whom the case shall be tried. These are the essential features of the bill.]

THE NEW TARIFF BILL.

The House then again resolved itself into a Committee of the Whole on the state of the Union, on the unfinished business of yesterday, being the bill for the more effectual protection of domestic manufactures, Mr. TOMLINSON in the chair—a motion to strike from the bill the enacting clause still pending before the Committee.

Mr. CUTHBERT having yesterday obtained the floor for to-day, occupied it in a speech against the bill, upwards of an hour in length.

Mr. WOODSON observed, that no portion of the zealous and eloquent address of the gentleman from Georgia had produced on him, at least, a more powerful effect than the lively description of that high degree of sensibility experienced in rising to discuss this question.

He assured that gentleman they were peculiarly applicable to the humble advocate of the measure, who presumes to follow him in debate, greatly augmented by a consciousness of his incapacity to meet a combination of extraordinary talent, displayed with all the characteristic ardor of the South—the cool, minute, and calculating perspicuity of the North. He occupied what might be termed a temperate zone, and, although he utterly despaired of the infusion of those vivifying ingredients—heat and light—which animate and produce conviction on the mind, and present truth in her most pleasing and brilliant attire, yet the known and respected sentiments of a magnanimous people, by whose partiality he had been honored with the high and distinguished privilege of representing them in the councils of the nation, imposed on him, as he conceived, a sacred duty to exert his feeble powers to promote, if possible, a system of policy most intimately connected with, if not indispensable to the prosperity and glory of our common country.

In discharging this duty he knew he required, and would experience, the consoling sympathy and indulgence of the Committee.

The most persevering and determined hostility to the proposed tariff, enforced by the acknowledged fire and talent of its opponents, was fully anticipated, but the mode of their attack could not have been foreseen.

It was imagined that, on a subject of national policy, presented to the consideration of sage legislators, the effort would be to convince the understanding, and lead us to the temple of truth, by paths illuminated by reason and experience. But, instead of those calm, safe, and captivating conductors, the citadel of public opinion is to be taken, it would seem, by storm. All the contending and angry passions of the human heart are enlisted for the desperate onset, and embodied into a forlorn hope, amidst whose tumult, the still voice of reason is but faintly discerned.

It has been represented as a monster, armed at all points with the most deadly and destructive weapons, and ready with uplifted arms to plunge them into the very vitals of our Republic, a kind of talismanic wand, which, by a single motion, will sweep our commerce from the ocean, prostrate the elevated pride, the national feeling of our gallant Navy; kindle into a consuming flame our State and sectional prejudices; produce injustice, oppression, tyranny, resistance, and finally, a dissolution of our Government. Was there justness in this hideous picture, what a debt of gratitude is due from the Committee on Manufactures to the gentleman from Georgia, who, in the whirlwind of his fancy, thought he perceived, and attributed its production to the incantation of some master spirit without the walls of this House. A majority of the committee who reported this bill are prepared, by a conscious rectitude of intention, to meet all the responsibility which can be attached to it. But it would be selfish and unjust were they to expect the full and exclusive measure of approbation, which they believe will hereafter be awarded, not to them alone, but in conjunction with some of those master spirits alluded to who stand high in the confidence of the nation. Yes, Mr. Chairman, this measure is recommended to us, I sincerely believe, by the voice of a decided majority of the people, which, in a representative Republic, ought to be regarded as the "voice of God."

In addition to this most weighty of all considerations, I invite your attention to the language of our distinguished Chief Magistrate, elevated to the most enviable and exalted station on earth, by the free and unbiassed suffrages of millions of his countrymen, with a due sense of gratitude for his public services, and a just confidence in his virtues, his patriotism, and experience. In the deliberate discharge of the sacred duties attached to his office, he says:

"From the best information that I have been able to obtain, it appears that our manufactures, though depressed immediately after the peace, have considerably increased, and are still increasing, under the encouragement given them by the tariff of 1816, and by subsequent laws. Satisfied I am, whatever may be the abstract doctrine in favor of unrestricted commerce, provided all nations would concur in it, and it was not liable to be interrupted by war, which has never occurred, and cannot be expected, that there are other strong reasons applicable to our situation and relations with other countries, which impose on us the obligation to cherish and sustain our manufactures. Satisfied, however, I likewise am, that the interest of every part of our Union, even of those most benefited by manufactures, requires that this subject should be touched with the greatest caution, and a critical knowledge of the effect to be produced by the slightest change. On full consideration of the subject in all its relations, I am persuaded that a further augmentation may now be made of the duties on certain foreign articles, in favor of our own, and without affecting injuriously any other interest."

It is highly gratifying, also, to be enabled to cite another authority, the respectability and weight of which, it appears to me, ought at least to qualify the venom and asperity of the South—a most distinguished citizen from their immediate section of the Union, to whose superintendence has been committed its fiscal concerns. The Secretary of the Treasury, taking a luminous view of the subject, and detailing the receipts and expenditures of the Treasury, observes, in his annual report:

To provide for the estimated deficit of the years 1825 and 1826, as well as to meet any extraordinary demands upon the Treasury, which unforeseen exigencies may require, it is believed to be expedient that the revenue should be increased. This may be conveniently effected by a judicious revision of the tariff, which, while it will not prove onerous to the consumer, will simplify the labors of the officers of the revenue. At present, articles composed of wool, cotton, flax, and hemp, pay different rates of duty. Difficulties frequently occur, in determining the duties to which such articles are subject. The provision in the tariff that the duty upon articles composed of various materials shall be regulated by the material of chief value of which it is composed, is productive of frequent embarrassment and much inconvenience. It is, therefore, respectfully submitted, that all articles composed of wool, cotton, flax, hemp, or silk, or of which any of

those materials is a component part, be subject to a duty of twenty-five per cent. ad valorem. The duties upon glass and paper, upon iron and lead, and upon all articles composed of the two latter materials, may also be increased with a view to the augmentation of the revenue. In all these cases, except articles composed of silk, it is probable that the effect of the proposed augmentation of duties will gradually lead to an ample supply of those articles from our domestic manufactures. It is, however, presumed, that the revenue will continue to be augmented by the proposed alterations in the tariff, until the public debt shall have been redeemed; after which the public expenditure, in time of peace, will be diminished to the extent of the sinking fund, which is at present $10,000,000. But, if, contrary to present anticipations, the proposed augmentation of duties should, before the public debt be redeemed, produce a diminution of the revenue arising from the importation of those articles, a corresponding, if not a greater augmentation, may be confidently expected upon other articles imported into the United States. This supposition rests upon the two-fold conviction, that foreign articles, nearly equal to the value of the domestic exports, will be imported and consumed, and that the substitution of particular classes of domestic articles for those of foreign nations, not only does not necessarily diminish the value of domestic exports, but usually tends to increase that value."

Thus it is, the subject is presented to us, and sustained, in truth, by the master spirits of the land. Are gentlemen indisposed to bow to the will of the people? I imagine not; they know too well their power. But they controvert the existence of that will. This is a mere matter of fact, which will most certainly be developed, if not now, hereafter, by the efficient principles of our representative system. But, if they will not hearken to what we believe to be, at this time, the voice of the people, have they lost that confidence, so justly due to the Executive, or the head of the Treasury Department? Can they possibly misconceive their sentiments, so deliberately formed, and solemnly expressed, not as the fleeting ebullitions of the moment, but to be preserved, and handed down to posterity, amidst the sacred archives of our Government? Gentlemen who are the real friends to the Administration, will certainly prefer to yield the argument, and pause before they display that temerity and determination of purpose, which would lead them to impute insincerity to either of those distinguished citizens. If so, what is the irresistible conclusion? That there is a concurrence of opinion between the President of the United States and the Secretary of the Treasury, that an increase of duty, by a judicious revision of the tariff, is not only politic as regards the general welfare, but essential to the preservation of our national honor, the redemption of our plighed faith, the payment of our debts.

Those are the avowed and real objects of the advocates of this measure. They believe and contend, that the immediate effect will be an increase of the revenue, without inflicting the slightest wound upon any particular section or essential interest of our country. But, on the contrary, that the gradual (not the "hot bed") encouragement and protection which would be afforded by it to the agricultural and manufacturing portion of our citizens, would diffuse the comforts and blessings of life, enhance the general prosperity, augment our capacity to consume, and produce a corresponding demand, not only for the surplus productions of our own, but foreign countries.

The reality, however, of these fond and pleasing prospects is denied, and represented as the "chimerical dreams" of a wild and disordered fancy. This difference of opinion, our respective efforts are intended to reconcile. Splendid theories on political economy have been relied on as conducting us to truth.

But the real question is, not which of them, considered in the abstract, is most just, but whether we, as an independent nation, with a full knowledge of the practice, the actual condition and regulations of foreign governments, will adopt the principle of free trade and unrestricted commerce, or adhere to, and gradually extend in self-defence, the discriminating and restrictive policy hitherto successfully pursued, not only by our own, but every other civilized commercial Power in the world?

There are remarkable facts, Mr. Chairman, relative to this subject, which, of themselves, with practical men, seem to me sufficient to prostrate the most celebrated and brilliant theories. Those are lessons drawn from the only unerring sources of wisdom—the experience of mankind. England has been dazzled, and amused, and flattered, perhaps in some respects edified, by the extraordinary genius of her Smith; France her Say and Tracy, who, according to their respective admirers, rank highest in the long list of political economists. We have also Ricardo, Raymond, and a host of others, all "honorable" and learned men, displaying their research and varied talent. Their productions have met the public eye, some have gained their admiration; indeed, a mighty Power, Russia, has been so far misled, by specious doctrines, as recently to have ventured their adoption. No sooner, however, was the desperate effort made, even by the most powerful of modern despots, by Alexander, "the Deliverer," than ruin and devastation followed in the train; and, with his usual energy, he speedily "delivers" himself and his empire from the destructive consequences of his fatal error. In retracing his steps, his reputation for prudence and forecast demanded, and there was, in some way, produced, the most able exposition of his motives and reasons for his prompt return to the position occupied by other nations. No other on earth has ever attempted the rash experiment. Thus far shalt thou go, and no further, then appears to be the inevitable fate of theorists on this subject. The great source of their error, it appears to me, is, that they have been mere theorists, devoted exclusively to literature, with minds too sublimated, and refined, and abstracted from the habits and practice of this world, to follow a beaten track. Ambitious, too, to be distinguished as the founders of new schools of political economy, contemplating man as arrived at that state of perfection of which his nature is susceptible, and failing to observe, with sufficient accuracy, the

different stages of his progress, they assumed their principles, and advise their application, alike to the demi-savage and the civilized; unmindful that they are in each grade, the creatures of habit and of education; surrounded by their prejudices and their passions, and a thousand other peculiar circumstances, that invariably control their actions; and that no one principle or rule is equally well adapted to each. The happiest test of those principles, indeed, a conclusive evidence of their correctness, would be the general conviction, and practical conversion of mankind into one great family of brethren; united by the same interest, the same feelings, co-operating in the glorious pursuit and promotion of their common happiness. That this proof will ever be afforded, cannot be imagined, even as a fond delusion.

So long, then, as individuals and communities remain distinct and independent, exclusive power, wealth, and honor, will be the objects of ambition; and a sacrifice of principle, reason, and justice, will be too often made the means of obtaining them. In this sacrifice, we behold, it is true, the imperfections of human nature. The philanthropist mourns over the picture, and would rejoice in his capacity to correct it. He even derives a consolation from the prospect of doing so, however faint. But the practical statesman, whilst his feelings, and his hopes, and his efforts, are warmly enlisted in its accomplishment, must admit that his imperious duty requires that he should weigh well the circumstances under which he acts, and use the utmost caution, lest he should, in attempting to extend the efforts of individuals, or his country, weaken the motive, and lessen, perhaps destroy their efforts—for nations are justly assimilated to individuals—each require stimulants to action. Power, wealth, honor, public fame, civil liberty, our country, family, and friends, are certainly the most efficient. The patriot devotes himself to their acquisition and protection. They are dearest to him, and demand at least his first attention. Secure in their enjoyment, the sphere of his affections may be enlarged, and embrace the universe. Were our powers as unlimited as our philanthropy, we might inquire, What shall we do to benefit the world? But, as we can only legislate for ourselves, charity, a noble virtue, is said to begin at home; and we must content ourselves, so far at least as our acts extend, to limit our inquiry to, What is our soundest policy?

Have we no national beacons, no American lights, on this subject? Do not the acts of our ancestors, and those distinguished sages and patriots, who have contributed so largely to our happiness and elevation as a people, and their wisdom, the result of experience, which deserve and receive our unbounded eulogy and applause on other subjects, afford no information on this? Are we dependent upon foreigners, even for just sentiments on political economy? You, Mr. Chairman, and this committee, will readily respond to these questions—that we are assuming new principles. The proposition, distinctly understood, is nothing more than an extension of that system, which was deemed essential, and adopted, from the commencement of our Government. The wisdom and policy of which has been most ably vindicated in the celebrated report of Mr. Hamilton, one of those American luminaries, whose talents and literary acquirements, at least, remain unquestioned, and have, moreover, received the sanction of every other distinguished patriot we can boast of.

And it is to me perfectly astonishing that the first acts of our Government, passed by the framers of our Constitution, who, it may be fairly presumed, understood, and were not disposed to transcend their legitimate powers, should, at this day, and on this occasion, for the first time, be considered as in direct hostility to that sacred instrument. Yet, strange as it may appear, it is no less true, that objection has been made, and seriously pressed—because, forsooth, the Constitution does not specify a manufacturing committee, or declare, expressly, you shall have power to pass laws protecting your domestic industry. To this, I answer, that the acts of our Government, and its continued policy, are contemporaneous and conclusive constructions, not only of our powers, but ought, in the humble estimation of him who addresses you, to be equally satisfactory as to the propriety of the measure. A course of policy, thus universally admitted and sanctioned by the adoption of every civilized nation, must be consonant to truth, and founded on human nature.

What is the basis of this policy? The labor of the country. It is admitted to constitute the wealth, strength, and dignity of a nation. This is equally apparent, if we contemplate man in a state of nature, enjoying the first fruits or blessings of society, or advanced to the utmost point of civilization or refinement. True, in his original state, he has but few wants. His desires are limited to food, protection from the elements, and the gratification of his animal propensities. The necessity for his exertion is measurably enhanced or diminished by the adventitious circumstances of his birth—the climate or position on this earth, where his destiny has placed him. But wherever he is found, the same universal law of nature, indeed the perpetuity of his species, prompts him more or less forcibly to society; as the comforts and enjoyments of life are purchased by privations, the transition is natural, from their possession, to the desire and right to appropriate them exclusively to our use. The protection of that right from violence, leads to the social compact, to government, to that modification and perfection of civil liberty, by which the dearest ties of consanguinity and affection, all the tender relations and sympathies of life, are strengthened and refined, and preserved, as the great moving principles of our most laudable and magnanimous actions. Susceptible of pleasure and of pain, eternal wisdom has bountifully spread before us the means of gratifying the one, and alleviating the other; accompanied, however, with the express condition, "By the sweat of thy brow shalt thou live." This inevitable decree ought not to be considered as detracting from our enjoyments. Idleness is known to

be the root of evil. The reverse of the proposition is equally true—that employment is the source of happiness or good. Hence the value of labor is felt and perceived with the origin of the human race—from the foundation of society. Its existence and prosperity entirely depend upon it. A certain density and extent of population is requisite to insure the perpetuity and happiness of a government or people. And, although it would be irrelevant to enter into a minute inquiry on that subject, it may with safety be affirmed that an increase of our numbers in the United States would add to our strength and dignity.

Is the tariff calculated to increase our population—in other words, will our inducements to labor be augmented? To "increase and multiply" is a Divine injunction, implanted in our natures, and contained in Holy Writ. Nothing but dire necessity, the artificial wants, and habits of society, retard its fulfilment. The firmest bonds of order, the harmony and delights of civil institutions, the whole compass of our blessings, our earthly enjoyments,—spring from our domestic circles.

The people must be rendered happy and contented there, or disaffection to the Government itself may be expected. In the progress of human intellect and experience it was seen that a mere *subsistence* was, in the scale of human happiness, infinitely beneath a comfortable *existence*. That the former might be obtained by tilling the earth and exercising the arts in their incipient stages. But the latter, including the embellishments of life, required a more minute, improved, and perfect knowledge of the arts, combined with science; and that every operation, however simple, was rendered much more powerful and efficient by the exclusive attention of those engaged in them. Hence the diversity of occupations and pursuits, the great divisions of civilized man into agriculturists and manufacturers, or artisans, and those devoted to scientific researches. The farmer supplying the manufacturer with food and raw materials—the latter returning him in exchange an equivalent in articles newly created as it were by his skill and ingenuity—each contributing a portion of their manual labor to him whose head and heart is employed in collating and extending the knowledge of mankind, and furnishing those rich repasts of fancy—the luxuries of the imagination—thus effecting the comfortable existence and prosperity of every class, and evincing most clearly their mutual and necessary dependence. If the one refuses to receive of the other the respective products of their labor, by what other means are they to be obtained?

Your neighbor may be supplied with the articles you produce. They are perishable, and you are anxious to realize their value. You are driven to the alternative to witness their destruction, or seek a more distant market. The intercourse of man is thus extended. They acquire a knowledge of their mutual wants and sources of supply, and lay the foundation of a more extended or foreign commerce, embracing ultimately an interchange of the various productions of every clime. To produce successfully, however, requires our constant attention.

You cannot abandon your farm or the loom to transport to a distance, and negotiate the exchange; you may not possess the knowledge or pecuniary means to do it advantageously. A separate and distinct class of the community is suggested, even by economy itself. The carrier intervenes. He must, in his turn, derive his profit or support from his new employment. As his labor is intended for your benefit, he demands a compensation for freight, and commission for negotiating the exchange. He acquires capital, consisting not only in the equivalent received from his employer, but credit, or that confidence in his integrity, that he will continue with fidelity to do that which he has hitherto faithfully performed. Thus situated, he becomes ambitious to advance his fortune, and, from the humble carrier of our produce, the mere negotiator of exchange, he assumes a more commanding attitude; styles himself merchant, buys and sells, sometimes, the product of your labor, but more frequently, is exclusively engaged in purchasing and retailing that of foreigners; and in the latter prosecuting an unnatural warfare, as I conceive, upon that very portion of our citizens to whom he is indebted for his wealth and consequence. To facilitate exchange, a standard of value became necessary; money, or the precious metals, by the general assent of man, is resorted to as best adapted to that object—an expedient, which may be considered as the mighty lever by which the complicated machinery of our earthly operations is propelled—a most powerful agent in effecting good or evil. An intercourse with different sections of our own and foreign nations affords a knowledge of their varied productions and their wants. Some supply the substantials, others the delicacies of life. Variety is pleasing, and is, therefore, in demand. The merchant, from experience, anticipates our propensities, speculates upon our future wants, and, by means of capital and credit, supplies and gratifies them. Whilst contented with a moderate profit, and engaged in the purchase and disposal of our surplus, and returning that of others in exchange, pursuing thus his real business, as a faithful agent, we feel our gratitude, and acknowledge he aids in promoting our prosperity. But, so soon as avarice prompts him to link his destiny with foreign establishments, to the destruction of our own, I at least must be pardoned, if I do not greet him as the greatest benefactor, the prop of this Government. We have hitherto been taught that agriculture, manufactures, and commerce, were so intimately connected, that they must necessarily rise, flourish, and decay, together; such is the general sentiment, founded on experience; yet it would seem, if gentlemen are correct in the positions they have taken, that this conclusion is erroneous.

"The full tide of successful experiment" with which our country has been blessed, attended with the most peculiar and extraordinary circumstances that ever did, or will, perhaps, to all eternity, again exist, is the great source of their error

on this subject. Our Revolution called into action the finer feelings, and all the energies of the human soul, developed its full powers, and exhibited the brightest examples of self-devotion to the general good; civil liberty was firmly fixed on its surest basis, the public will; man rose in all the majesty of his nature. Flushed with victory and independence, conscious of his strength, secure in the enjoyment of his labor, the country abounding in soil unlimited almost in extent and fertility, each individual invited to appropriate a portion of it to his use, and become "lord of the soil;" our citizens embrace with enthusiasm the propitious moment, and, by their exertions, exhibit a population, multiplying and advancing in civilization to an astonishing degree.

Agriculture and commerce were destined to flourish, and keep pace with our increasing numbers. But they received an additional and uncommon impulse from the peculiar situation of the world. It was almost literally in arms. War and destruction was the order of the day. The struggle was desperate, and of long continuance. The arts of peace were neglected. The ploughshare had been exchanged for the sword. Our happy exemption from the calamities of war enabled us to become, not only the producers, but the carriers of the belligerents. The state of war, however, is one of unnatural excitement—it must, necessarily, sooner or later, subside. It was protracted, but peace was at length restored; the warrior engages in the pursuits of civil life, and supplies his own wants. We profited by his misfortunes; but the reaction was so powerful, as to make the period of returning peace, to us, as dreadful, as had been the "tug of war" to them.

America, therefore, under those peculiar circumstances, furnishes an exception, only, to the general rule, and ought never to be cited and relied on as an unerring precedent, by the experienced and reflecting politician, except to prove the existence of the rule, and its inflexibility, at least, to every earthly power, but that of universal liberty.

Mr. Chairman, if there be the semblance of truth in the remarks submitted, it must be apparent that commerce deserves the protection of our Government, as the handmaid to agriculture and manufactures only, and not the *foundation*, as gentlemen assert, of national wealth and prosperity, but a mere auxiliary, in the application of our industry.

The fisheries may possibly be considered as an exception to this position; but, even in that pursuit, the toil of the fisherman is distinctly separated from the office of the carrier. It also follows as a necessary consequence that our internal commerce, or an exchange of our mutual and domestic labor, is by far the most important. Indeed, the materials and sum of national happiness and independence must necessarily be composed of articles and labor within the country. The variety of soil and climate and their productions evince the power, wisdom, and goodness, of their Creator, and add to the luxuries of life. But, as to the essentials, they are always placed within the immediate neighborhood of man. Employment or labor then being the only foundation of a nation's wealth and greatness, it is the imperious duty of those who are the guardians of those blessings to cherish and protect their source. Our feelings, our sympathies, are national—they are common to mankind. Upon them we have hitherto, and I trust will ever act, whilst patriotism is a virtue. The effects have been most salutary. Our merchants, our cotton and sugar planters, from the earliest period of our Government, have experienced the peculiar favor and protection of its laws—no objection was made to their constitutionality or propriety. Are they now unmindful of those benefits conferred? Can they possibly deny that their prosperity is to be attributed to that protection? Can the merchant seriously contend that our commerce in its infancy could have competed with that of England without discriminating and tonnage duties, or that his employment and his profits would have been as great without them; or that his wealth, his influence, and his happiness, has not been thereby greatly augmented? The same inquiries might be made of the cotton grower and the sugar planter. Have not our labors been protected and encouraged, even to the exclusion of foreign competition; and does not your unexampled prosperity attest the wisdom of the measure? Candor furnishes the only reply. If such have been the happy consequences of the restrictive system, as applied to commerce and the planter, by what train of reasoning or rule of justice do they now so violently oppose its gradual extension, to embrace and promote the interest, prosperity, and happiness, of the farmer or grain grower, the mechanic, or manufacturer? Ours is a Government based upon the equality of man. Here no distinction ought to exist. Have they not equal rights, and entitled to equal privileges? Are they to be forever neglected, and treated as the "hewers of wood and drawers of water" to the more opulent portion of our community? True policy and justice forbid it; and that justice will be done; it must and will be obtained sooner or later. But it is said this measure will "sweep our commerce from the ocean, and destroy the only source of our revenue." How an increase of the very elements of commerce—the raw materials and manufactured articles of a country—is to destroy it, is perfectly inexplicable. And if our revenue is derived from duties on foreign articles, an augmentation of those duties would necessarily produce a corresponding accession to the revenue, if the same amount should be consumed. This being self-evident, declamation has been powerfully directed to prove, if possible, that the proposed duties are enormous, and that a frightful diminution in our imports is to be the consequence. What, however, is the fact? An average increase of about ten per cent. is proposed. Had the zeal and talent of gentlemen kept pace with it, only ten per cent. of their inexhaustible store of those fine-wrought materials would have been thrown into competition with our truly domestic and home-spun sentiments on this subject.

But is it really to be presumed that those disastrous effects are immediately to be produced? Can it be possible that the whole capital employed in the mercantile pursuits and foreign manufacturing establishments, are to be diverted from their accustomed channels, and dwindle and decay, or seek for other sources of employment, in consequence of this measure? Such effects cannot seriously be contemplated. A diminution of ten per cent. of their extraordinary profits, is the only plausible position they can take. We contend it is unfounded as relates to our merchants and their commerce, and if the effect is produced on foreign capital and their establishments, it is but justice and reciprocity. What they lose, we shall gain. It is believed that our citizens possess, in every respect, an equal capacity, a nobleness of spirit, and hardy enterprise, elevated by a conscious pride of liberty, and the peculiar blessings of our Government, which enable them to surmount every difficulty, and compete, successfully, with any others upon earth, when placed on equal grounds. Yet, impossibilities ought not to be expected or required. Is it not right to facilitate their progress? Shall we compel them to enter the lists, and contend against that frightful odds of capital and skill, so great, so perfected, and matured, by England, for instance, in her manufacturing establishments? Why shall we hesitate to afford them that protection which England herself persists in? Shall we, Quixotic like, in despite of experience, continue to calculate on a change in her system, or that of any other great or ambitious Power on earth? No; they will adhere to them as long as love of country, selfishness, individual wealth, and power, are the ruling passions of mankind.

Depend upon it, Mr. Chairman, they are not to be induced to relinquish, tamely, the sources of their national aggrandizement. To what a pinnacle of earthly grandeur has not England attained by her protecting policy! Her influence is felt throughout the globe. She waves her trident over every sea. She has been represented as fighting even for "her existence;" indeed, falsely styled the "bulwark of our religion," because of her resistance to a mighty Power, her neighbor; dreading more its counteracting policy as respected its national industry, the shuttle and the loom, than the military supremacy of France. From it, her "wooden walls" would forever have protected her.

But the example of a mighty competitor in the arts was, indeed, to them a hideous spectre. But the gentleman from Massachusetts (Mr. GORHAM) has contended that the politicians of Europe have become enlightened and convinced by Smith and Say, and other theorists, that they have hitherto erred, and would willingly, if they could, abandon their systems of monopoly and restriction. The recent examples of Russia and France, conclusively prove that this is mere delusion. The latter nation affords the most astonishing evidence of the inherent resources, the self-creating power of a people, when properly directed.

Arms had been her profession; war, with all its horrors and privations, had attended her for more than twenty years; she was at length humbled to the dust, by the most powerful combination of "Holy Allies" that ever existed; her martial spirit broken; the country filled with foreign bayonets, imposing the most oppressive exactions—their hundred millions of indemnity. The sun of their glory was considered as having set forever. But there, and under those disastrous circumstances, the energies of the nation are aroused, and directed by a practical statesman, Chaptal, who, relying on experience, develops the great, and only secret of national wealth, by inducing, yes, compelling the people, by a rigid and unbending system of restriction, to go to work, and supply themselves with all the necessaries, and, indeed, the luxuries of life; in other words, he completely protected the labor of the country, and excluded foreign competition. The nation is renovated, as if by magic; regains its grandeur, notwithstanding the temporary blemish on its escutcheon, and reoccupies its former dignified and imposing attitude, amidst surrounding Powers; thus exhibiting the immense difference between plausible theories and wise practice; indeed, dissipating the former, like a fleeting mist before a resplendent sun. To the practical farmer or the head of a family those effects are far less wonderful, than to your men of books, your authors. They have been taught, by experience, that a "penny saved" is a "penny gained," and that they never feel so independent, grow rich so fast, or are as happy, as when they keep their families employed, and manufacture, at least, their necessary clothing, and supply within themselves their wants, as far as possible. There is, in this respect, between a private family and a Government, a perfect coincidence.

Our revenue, they contend, is to be lessened and destroyed, and a resort to direct taxation rendered necessary. In this they are at issue, Mr. Chairman, as I conceive, with the high authorities cited, the President and the Secretary of the Treasury, the consequences of our former acts, our own experience, and that of mankind. They might, with equal propriety, and with greater plausibility, attempt to prove that the revenue of England was lessened; her weight and influence, her gigantic power, impaired by the manufacturing establishments, or that industry and economy is the road to ruin. Our revenue must ever depend upon our ability to consume.

I again appeal to those who have witnessed the effects, have lived in the neighborhood of factories, particularly in the interior of our country, and ask—Do they not create a demand for our surplus produce? Are not our citizens enabled, by the sale of their raw materials, and breadstuffs, to procure, and use in greater abundance, manufactured articles, the comforts and luxuries of life; to indulge a lovely daughter with a Leghorn bonnet or a Canton crape; or a promising son, in a suit of finest cloth; and, occasionally, to mellow and soften down the crudities of life, and heighten their own and their friends enjoyment, with a drop of "old particular?" Do they not also serve

as an asylum for, and give employment to—yes, rescue from inevitable destruction, misery, and want—the poorer classes of the community, especially the young and dependent females, and increase their ability to enjoy and consume a far greater portion of foreign articles or luxuries? Such is the effect. And it is thus the revenue is enhanced.

But the most formidable objection, Mr. Chairman, remains to be considered. It is, that the tariff will be partial in its operations, and directly hostile to commerce and the interests of the South. The formation of our Constitution itself is the effect of compromise. But for the noble spirit which induced our ancestors to yield a portion of their peculiar advantages to the general good, that monument of our wisdom would never have been erected. Its blessings can only be diffused by the exercise and prevalence of similar dispositions in our legislation.

All laws are in some degree partial in their operation; they ought certainly to be equalized as far as possible. Those imposing discriminating and tonnage duties are, in name, exclusively confined to the benefit of commerce, the duties upon foreign cottons and sugar, to the planters. According to the arguments of gentlemen, they are calculated to tax "the many for the benefit of the few," by destroying competition, and compelling the great mass of farmers, artisans, &c., instead of employing those who will "work cheapest," or purchasing the "cheapest cotton goods" or sugar, to rely on our merchants or our planters for supplies. Yet, we hear no complaints from them on this subject. No dread of monopoly, or repining at the prosperity of their brethren of the same family.

All we ask is reciprocity, equal justice. We are obliged to use, and do consume immense quantities of the foreign articles in which the merchant deals, and the cotton and sugar of the South.

If we are compelled, in consequence of protecting laws in their favor, to pay a higher price for them, and do not complain, but feel a pride in their prosperity, have we not a right to expect the same liberality, the same sacrifices, on their part? Ought they to murmur, if they should pay a similar additional price for articles composed of our hemp, flax, wool, or iron? The raising of cotton and sugar is known to be the most profitable of all pursuits. Is it too much, then, to invite them to do to others as they have been done by; to mete out to us a less measure of protection than they have actually received for years, and are now enjoying? (The present duty on cotton is three cents per pound; we only propose two and a quarter on hemp.) Or to request that they will abandon the stale and a thousand times refuted objection—"the taxing of the many for the benefit of the few?" And, furthermore, to recollect that the merchants and the planters do not compose "the many," but, comparatively, "the few," of our citizens? The merchants, however, are eulogized by the gentleman from Massachusetts, as being the most ardent friends of Government!—the collectors of our revenue, furnishing the money—the sinews of war—and identified, in every respect, with its existence and prosperity. That they are instruments in the collection of our revenue, will not be controverted. But, that the consumer actually pays and furnishes it, through the merchant, as the instrument only, is so distinctly understood, as not to require a waste of time to prove. Unless their goods were purchased and paid for, how could they discharge their custom-house bonds?

Would to God that the history of our Revolution and the late war were more barren of facts and sad experience on this branch of the subject; that they did not furnish examples of the most alarming character of that identity of interest and dependence of our Government upon commerce and commercial men. Let me ask, Mr. Chairman, who were the ardent friends and supporters of our glorious Revolutionary struggle, and of the late war, necessary to sustain our independence and our honor? By whom was the arm of Government paralyzed? Who so violently opposed the embargo, and every restrictive and preparatory measure, threatening and advising resistance, and a dissolution of our Union, if persisted in? And after we had passed the Rubicon, and actually declared war, still continued to denounce it as unjust, unnatural, and wicked, and used their utmost efforts to defeat its successful termination? Yes, Mr. Chairman, at the darkest period of our struggle, when this Capitol was in flames, and its smoke threw the deepest gloom over our political horizon, and our present Chief Magistrate was driven to the necessity of pledging his private responsibility, his public character, his all, to obtain the means of wiping off that foul stain on our escutcheon—in whose hands were then the sinews of war, the purse-strings of the nation? Were they not held with the double grasp of avarice and ambition? Were not our citizens dissuaded from loaning, even at exorbitant interest, by the suggestion, that a succeeding administration would not be bound to pay money advanced in such an unrighteous cause? What would have been our fate, but for the brilliant victory of Orleans, is hid from mortal ken. On that glorious day, the valor of our arms, the interposition of Heaven, dispelled the thick cloud, the sun of liberty burst forth, and shone with uncommon splendor. We became reanimated, and confidence was restored. No portion of the preceding observations can possibly apply to the real American merchant. They are, indeed, identified with the nation and its prosperity. But the facility with which capital is transferred, "turned over," in the language of the gentleman from Massachusetts, and the inducements, indeed, the bounty offered by our laws, in the shape of credits and drawbacks on importations, and their exports, has attracted hither a vast amount of foreign capital, foreign agents, their friends, connexions, and secret partners. They cannot be expected to feel or act as Americans. They would even sacrifice the Government to self aggrandizement, or gladly humble it at the footstool of England.

In this consists the great danger of relying

on foreign commerce exclusively for revenue, or resorting to loans to supply its deficiencies; each afford an opportunity for the creation of the most pernicious moneyed aristocracy, composed of beings who will entwine themselves around our Government, possess its stock, influence its finances, and ultimately control its destiny. May we long be protected from the embraces of such ardent friends. But it is stated, that we are at peace with all the world; our citizens in a most flourishing condition; their labor richly compensated; our commerce yielding an abundant revenue for all the purposes of Government. And they ask, why, under these auspicious circumstances, is this measure now proposed? Nothing is more common or easy than to assume premises, and then, by the aid of zealous declamation, draw conclusions with apparent triumph. It is true, that we are exempt from the horrors of war, and would enjoy the blessings of peace, was our policy like that of other nations. But ours is a system calculated alone for the raging storm of war, not the sunshine of peace. Gentlemen must be reminded that peace pervades also that portion of the foreign world with whom we carry on our greatest commerce; remarkably profitable, whilst they fight; but in times of peace they supply themselves.

England or France, or the East Indies, the nations from whom we obtain our foreign manufactures and other supplies, will not receive from us our produce in exchange. They, nor either of them, will permit a barrel of our flour, a pound of our meat, or domestic spirits, to enter their dominions.

They are absolutely prohibited, under the severest penalties. The articles they manufacture and produce, however, are rendered, by habit, necessary to our comfort. If they will not exchange with us, our means of obtaining them must entirely cease, and we will be compelled to do without them, and thus curtail our enjoyments. These truths are now exhibited. The farmer and manufacturer cannot be said to be in a flourishing condition. The merchant may possibly be exempt from their embarrassments. But even this is questionable, if the numerous failures of the farmer and the reduced price of cotton will be received as evidence. As to the situation of our Treasury, gentleman are referred to the Secretary's report. He knows the fallacy and uncertainty of calculations based on such a source of revenue, and prudently warns us to provide in time for the certain defalcations of the Treasury. The revenue is certainly sufficient to meet the ordinary expenses of our Government. But do gentlemen forget we owe a debt of near a hundred millions? Are they unmindful of the dreadful reaction of excessive importations; of the distress that follows inevitably in its train? Has the recollection of our situation been effaced by a few short years? If not, we say prepare in peace for war; use your utmost efforts to arouse the dormant energies of our people; encourage and protect, as France has lately done, the national industry, and pay off our debt. The balance of trade or exchange is admitted to be *against* us, and still gentlemen contend that even this is a blessing! an evidence of our prosperity!

Could they succeed in establishing this apparent contradiction, how wonderful the ingenuity of man, to make "the worse appear the better cause." It may serve as a bone for theorists to chew upon. But, it seems to me, the practical man, the farmer, understands this subject as well, perhaps better, than those who speculate much about it. He knows, that when, according to an old saying, he is unable to make the buckle and the tongue meet, sells less of his produce than he purchases of others, the balance of trade, or exchange, is certainly against him; and that, if he obtains a credit, it operates as an eating moth upon his future labor, exhausting it by interest. His prosperity is fictitious, not real. Mr. Chairman, is it necessary for me to call to your recollection, and that of this Committee, the scenes of misery and ruin exhibited within the last ten years by this credit system? The Government has credited the importing merchant for his duties. They have deluged the land with foreign goods.

They, in their turn, sell out on credit to the young adventurous man, whose head is filled with golden dreams; requiring of him, however, security; an aged parent, or respected friend, engages with him. He, to avoid approaching difficulties, sells also, on a credit, to every unwary applicant. He cannot sell, or exchange his produce, and, consequently, fails to pay.

He is dunned and pressed, and ultimately sued; the work of havoc commences, and takes the great circle, involving family, friends, and neighbors, and in its dreadful career, you frequently behold the honest, industrious, and frugal farmer, the hoary-headed father, and mother, deprived of their house, and comfortable home, and, in the decline of life, thrown friendless, on a cold and uncharitable world. This is by no means an exaggerated picture. In it, gentlemen behold, that we balance this trade by human misery, instead of blessings. The spirit of our gallant Navy is to be humbled by this measure, if its opponents are correct. It is impossible to eulogize too much, that favorite class of our citizens. They possess their country's gratitude, the soldier's rich reward. If I understand their character, the brave and jolly tar, who delights to hear the cannon's roar, or buffet the mighty deep, is somewhat different from your counting-house gentleman. If our officers have any competitors for fame, does not England, the most manufacturing nation in the world, furnish them? We have a host of gallant captains, inferior to none on earth. But, they have also boasted of their Nelson. Their national spirit on the ocean is not to be allayed by manufacturing establishments on land. If they increase their country's prosperity, depend upon it, our gallant seamen will fight more desperately to preserve it. Knowledge is generally admitted to add to the power, and dignity, and permanency of a Government, founded on public virtue. None is more efficient, than that of the arts. They employ the people, and may, therefore, be considered

as the bread or staff of life—a polished education, its delicacies, and embellishments. An important object then, of itself sufficient, would be accomplished; an immense additional stock of practical and useful information.

Mr. Chairman, I ask, can that nation be considered independent, which is compelled to rely on foreigners for their necessary clothing? Abstract reasoning on this subject is rendered useless, by the woful experience of the late war. What was then the situation of your countrymen? Even your soldier, sir, who was fighting the battles of his country, was exposed, in the midst of winter, to the chilling blasts of our northern frontier, without a shoe to cover his bleeding feet, or blanket to protect him from the inclement sky; and contending, too, in the most awful situation, with that very nation, and their savage allies, upon whom our previous policy had compelled us to rely for clothing.

I have, myself, seen the sympathetic tear drop at the mere recital of their sufferings; and, if possible, Mr. Chairman, I have witnessed a still more heart-consoling spectacle, the lovely females of the West, exhibiting, in their tender bosom, the full glow of patriotism, and devotion, exerting all their powers, soliciting, in person, and obtaining contributions for their relief.

The bright side of this picture is interesting to humanity. The recurrence of the reverse we ought carefully to guard against. We are peculiarly blessed with a great variety of soil and climate, producing, in rich abundance, the raw materials. I trust the talent and skill of our citizens will be encouraged and protected, in that most profitable of all employments, their conversion to our use, and that we shall no longer be doubly taxed to obtain them.

When Mr. W. had concluded—

On motion of Mr. Hardin, (who has the floor for Monday,) the Committee rose, and the House adjourned.

Monday, February 10.

Mr. Rankin presented a memorial of the General Assembly of the State of Mississippi, praying the aid of Congress in support of the Natchez hospital, established in the said city for the reception and relief of indigent boatmen, and other paupers of every description.—Referred to the Committee on Commerce.

Mr. Plumer, of Pennsylvania, presented a petition of sundry inhabitants of that State, stating, that they have ascertained the practicability of connecting the waters of the Potomac to those of the Ohio river, by means of locks and canals, and praying that Congress will authorize the appointment of commissioners and engineers to survey and report upon the same.—Referred to the Committee on Roads and Canals.

Mr. Condict presented six memorials of citizens of the State of New Jersey, praying that the importation of foreign spirituous liquors may be prohibited altogether, or the duties thereon increased, and that a proportionate excise may be laid upon all domestic spirits; also that such other measures may be adopted by the Government, as shall appear best calculated to promote national industry and prosperity.—Referred.

Mr. Ross presented three petitions from inhabitants of the State of Ohio, praying that an expedition may be fitted out by the United States to explore the polar regions, under the conduct of Captain John Cleves Symmes.—Laid on the table.

Mr. Walworth laid before the House sundry acts of the British Parliament, of the present Reign, regulating the commercial intercourse of the British nation, and their dependencies, with foreign countries.—Referred to the Committee on Foreign Relations.

Mr. Williams, of North Carolina, from the Committee of Claims, made a report on the petition of James Rees, one of the sureties of Joseph H. Rees, deceased, accompanied by a bill for his relief; which bill was read twice, and ordered to be engrossed, and read a third time to-morrow.

Mr. Rankin, from the Committee on the Public Lands, reported a bill amending, and supplementary to, the "Act for ascertaining claims and titles to land in the Territory of Florida, and to provide for the disposal and survey of the public lands in Florida;" which was read twice, and committed to the Committee of the Whole on the state of the Union.

Mr. Cocke submitted the following resolution, which was read, and laid on the table, one day, under the rule:

Resolved, That the President be requested to inform this House whether any prize agents have neglected to render an account of their agency, and pay over all money in their hands; if so, who they are; what sum remains in the hands of each unaccounted for; whether any of them are in the employ of the Government; if so, has their compensation been retained?

On motion of Mr. Williams, of North Carolina, the Clerk of the House of Representatives was directed to procure ten copies of the Reports of Committees in the Senate, for the use of members in this House.

Mr. Mercer offered the following resolution, which, from its character, would lie one day on the table:

Resolved, That the President of the United States be requested to enter upon and to prosecute, from time to time, such negotiations with the several maritime Powers of Europe and America, as he may deem expedient for the effectual abolition of the African slave trade, and its ultimate denunciation, as piracy, under the law of nations, by the consent of the civilized world.

The resolution being read—

Mr. M. gave notice that he would, on Monday next, move to take it up for consideration.

Engrossed bills, of the following titles, to wit:

An act to extend the jurisdiction of justices of the peace in the recovery of debts in the District of Columbia;

An act vesting in the State of Virginia the right of the United States to all fines assessed for non-performance of militia duty, during the late

war with Great Britain, within said State; were severally read the third time, and passed.

The House having again resolved itself into a Committee of the Whole on the state of the Union—

Mr. McLANE moved to take up the bill making appropriations for the support of Government for the year 1823; which was objected to—ayes 58, noes 79.

CRIMES ON THE HIGH SEAS, &c.

Mr. BUCHANAN submitted the following:

Resolved, That the Committee on the Judiciary be instructed to inquire whether there be any, and, if any, what, crimes not now punishable by law, to which punishments ought to be affixed.

In offering this resolution, Mr. B. said, it had been decided that the courts of the United States had no power to punish any act, no matter how criminal in its nature, unless Congress have declared it to be a crime, and annexed a punishment to its perpetration. Offences at the common law, not declared such by acts of Congress, are therefore not within the range of the jurisdiction of the Federal courts. Congress have annexed punishments but to a very few crimes, and those all of an aggravated nature. The consequence is, that a great variety of actions, to which a high degree of moral guilt is attached, and which are punished as crimes at the common law, and by every State in the Union, may be committed with impunity on the high seas, and in any place where Congress has exclusive jurisdiction. To afford an example: An assault and battery, with intent to commit murder, may be perpetrated, either on the high seas, or in a fort, magazine, arsenal, or dockyard, belonging to the United States, and there exists no law to punish such an offence.

This is a palpable defect in our system, which requires a remedy; and it is astonishing that none has ever yet been supplied. My attention has been called to the subject by a distinguished professional gentleman now in this city. Mr. B. said he did not expect that any bill could be matured and passed into a law at the present session. If, however, the Judiciary Committee would take the subject into consideration, and report upon it to the House before it rises, it would call public attention to it, and insure the passage of a bill at an early period of the next Congress.

The resolution was then adopted.

NEW TARIFF BILL.

The Committee then, on motion of Mr. CONDICT, of New Jersey, resumed the consideration of the bill for the more effectual protection and encouragement of domestic manufactures; when

Mr. HARDIN, of Kentucky, rose, and spoke against the principles of the bill in a speech of an hour and a half in length.

Mr. TOD followed, in a speech of about the same length, supporting the items of duty on all the articles in the bill, and maintaining its general principles.

The Committee then rose, and the House adjourned.

TUESDAY, February 11.

Mr. RANKIN, from the Committee on the Public Lands, to which the subject has been referred, reported a bill changing the mode of surveying the public lands, on any river, lake, bayou, or water course, in the State of Mississippi and Territory of Arkansas; which was read twice, and committed to the Committee of the whole House to which is committed the bill to authorize the State of Indiana to open a canal through the public lands, to connect the navigation of the rivers Wabash and Miami of Lake Erie.

Mr. NEWTON, from the Committee on Commerce, to whom the subject has been referred, reported a bill to provide for sick and disabled seamen; which was read twice, and committed to the Committee of the Whole on the state of the Union.

Mr. PLUMER, of New Hampshire, from the Committee on the Judiciary, to which was referred the bill from the Senate, entitled "An act to divide the State of South Carolina into two judicial districts," reported the same, without amendment. The said bill was then amended at the Clerk's table, and the amendments ordered to be engrossed, and the bill read a third time to-morrow.

Mr. PLUMER, from the same committee, to which was also referred the bill from the Senate, entitled "An act for the relief of Samuel Buel;" reported the same without amendment, and it was ordered that the said bill be read a third time to-morrow.

Mr. COOK submitted to the House a copy of a resolution of the General Assembly of the State of Illinois, instructing the Senators, and requesting the Representative of that State, in the Congress of the United States, "to urge the propriety of having the contemplated road of the United States, from Wheeling, Virginia, to the Mississippi river, permanently located and marked, so as to enable the States through which it may pass to have an opportunity of opening and improving the same, provided they may deem it expedient." The said resolution was laid on the table.

On motion of Mr. HERRICK, the Committee on Military Affairs were instructed to consider the expediency of providing by law for the relief of James F. Norris, late a captain in the Army of the United States.

The resolution of Mr. COCKE, yesterday submitted, calling on the President for information in relation to the moneys in the hands of prize agents, was read, and agreed to.

On motion of Mr. HERNANDEZ, the Committee on the Public Lands were instructed to inquire into the expediency of releasing the grantees of certain lands, lying within one thousand five hundred yards of the fortifications of the city of Saint Augustine, in the Territory of Florida, and originally reserved for military purposes, from the conditions and restrictions contained in their grants.

Mr. COCKE submitted the following resolution, which was read, and laid on the table one day, under the rule, viz:

Resolved, That the President of the United States be requested to communicate to this House a statement, showing the several classes of expenditures, made during the years 1821 and 1822, out of the contingent fund of the Indian department, so far as the same may be susceptible of classification, stating particularly the amount of each species of expenditure, to whom paid, and when.

The SPEAKER laid before the House a letter from the Secretary of War, accompanied by sundry statements, containing the information required by the resolution, calling on the heads of the several Executive Departments for an account of the newspapers, journals, and other periodical publications, &c., taken at the said departments, respectively, on public account, during the last six years. The letter and statements were laid on the table.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a report upon the subject of contracts made by the several surveyors general of the public lands, for services performed since the first day of January, 1819, made in obedience to a resolution of this House of the 17th January last.—Laid on the table.

An engrossed bill, entitled "An act for the relief of James Rees, one of the sureties of Joseph H. Rees, deceased," was read the third time, and passed.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act directing the payment of Georgia militia claims, for services rendered during the years 1792, '93, and 94;" also a bill, entitled "An act to revive and continue in force the seventh section of an act, entitled 'An act supplementary to the several acts for the adjustment of land claims in the State of Louisiana,' approved the 4th May, 1820, and for other purposes;" in which bills they ask the concurrence of this House.

THE NEW TARIFF BILL.

The House then again resumed, in Committee of the Whole on the state of the Union, the consideration of the proposed new tariff bill—a motion yet pending in the Committee to strike from the bill the enacting clause.

Mr. MCNEILL, of North Carolina, addressed the Chair as follows:

Mr. Chairman: The course which I have hitherto pursued, both in the past and present session, is a sufficient apology on my part that I will not detain you long. At all times diffident, but especially on the present occasion, when preceded by the gentleman from Kentucky, (Mr. HARDIN,) who took so strong a hold, in detailing the pernicious effects of the bill; and the gentleman from Pennsylvania, (Mr. TOD,) who entertained us with so many cogent and diverting arguments on the other side, I shall content myself by submitting a few remarks on the general principles of the bill. I am well aware, Mr. Chairman, that the patience of the Committee is already exhausted in the discussion of the subject; I am also convinced, that no argument that can be urged, either pro or con, will have any bearing on its final decision. Yet, as we are only the Representatives of the people, "the tenants of the day," it is due to the nation, to the sovereign people, to know what are the different views entertained by gentlemen on this important and interesting subject. The ostensible object of the bill, is the protection of domestic manufactures, by laying additional duties on certain articles imported into the United States; and it is said in its favor, that it will increase your revenue; that it will promote both your agricultural and commercial interests; that it will give employment to many of your citizens; that it is in justice due to the North, as a similar protection has been extended to the South. And still a deeper pretension is made in its favor, that it is inseparably connected with the prosperity and independence of the nation. These are, Mr. Chairman, important and interesting considerations; they are such, I am persuaded, as would meet the decided approbation of every gentleman in this House; and could I believe that such would be the result, I would feel no hesitation in voting for the bill, not only in its present shape, but to any extent that it might be made, so as to produce such desirable effects. But, sir, I do not understand that train of reasoning, which goes to prove, that, to prohibit or partially diminish your importations, will increase your exports. Neither do I understand the logical inference by which it is ascertained, that it will promote your agricultural interest, to lessen the competition in the market in which the farmer may be disposed to sell his surplus produce. I had always thought (and yet I have no reason to change that opinion) that the greater the competition in any market where I had produce, secured me higher sales and lower purchases. From the course which this discussion has taken, it appears that gentlemen think this nation is too agricultural. Extensive manufacturing establishments are held up to us, as the only high road that leads to national wealth and honor; therefore, for the special benefit of the farmer, you will tax him, for the protection of another class of the community, having different pursuits and controlled by different interests. This is proving that it will promote my pecuniary interest to take the money out of my pocket and put it into yours. How far the proposed system will promote the commercial interests, I leave to merchants to say. I had always thought that agriculture and commerce were like the twin sisters in the fable, who were so closely united by some imperceptible tie, that, when one was sick, the other would pine and languish; and, however far or remote their situation from each other, you could always read in the countenance of the one the health or the decline of her absent sister. It is also strongly urged, that, as protecting duties had been laid to favor the coffee and the sugar of the South, that justice requires that the same liberality and protection should be extended to our manufacturing brethren in the North. To me this is a bad argument: from the views I have taken, it makes the matter so much the worse, I would gladly see the people protected both again

the Southern nabob and the Northern capitalist. These are sufficiently entrenched behind their wealth and power, and will no doubt hold their ground. I am decidedly an advocate for domestic manufactures, but especially that kind that is or ought to be made in every farmer's family, such as is spun, wove, and made, by our wives, sisters, and daughters.

These pursuits, while they invigorate the female constitution, have perhaps no less salutary influence on the mind. The cotton wheel and cards, the flax wheel and loom, are important pieces of furniture in every farmer's family, and, if properly used, will effectually defend him, not only from the importer of European goods, but also from the domestic manufacturer. Sir, so sensible was the State of North Carolina of the importance of encouraging manufactures, that, on the eve of the late war, when British goods were very high, and when our own manufacturers were no way conscientiously scrupulous in availing themselves of the advantage which such a state of things afforded them, her General Assembly unanimously entered into a resolution, recommending that the succeeding Legislature should appear clothed in domestic production; yes, sir, home-spun made in our own families. These resolutions, together with the reasons which led to their adoption, were printed with the laws, and circulated throughout the State; the result was glorious; our ladies were emulous which should excel in making neat warm home-spun; our wives were individually ambitious that her husband should be known in the garb, and the husband was no less pleased in hearing the praises of his wife, while the young man equally exulted in exhibiting the claims of his mistress. The Winter was as cold as usual, yet we experienced no inconvenience. And would to God that we had pursued the course then recommended until this day; how effectually would we have been protected from the late pressure of the times, from that destruction of confidence which pervaded all ranks of the community, from which neither rich nor poor was exempted, and which has sunk so many respectable and once happy families, from ease and plenty, to poverty and ruin. Mr. Chairman, I will with pride mention another instance of the liberality of North Carolina, in protecting domestic manufactures; there is now on the statute book a law, from which I will read you a short extract: "Three thousand acres of land, 'most convenient to the different seats, is hereby 'granted for every set of iron works, as a bounty 'from the State, to any person or persons who 'will build and carry on the same."

You will observe, Mr. Chairman, that this protection is not intended to operate as a tax on the people, but it is the bounty of the State, and she extends this bounty further, by exempting these lands, so granted from all taxation. Pardon me, sir, while I give you another instance of the liberal views of the State, which I have the honor, in part, to represent. During the late war she loaned money, without interest, to individuals who wished to embark in manufacturing pursuits. In that day, the hearts of the people of North Carolina swelled at the idea of national independence. I well remember, one of the arguments on that occasion was, that our State would furnish an additional article in the interchange between the Northern and Southern States; neither have I forgotten the inexpressible gratification that was felt, on examining the different specimens of cloth then sent us by our infant manufactures. With pride these samples were cut up and carried home to show our wives and children, as indicative of the prosperity and independence of the nation, little dreaming that our manufacturing brethren would so soon wish to tax us. I am proud, Mr. Chairman, in acknowledging my privileges as a citizen of an independent nation, and I hope that I shall ever be ready to support any measure which will go to perpetuate that independence; yet I feel no less ambitious in being an independent individual of an independent nation, and I hope that I never shall view with indifference the progress of any system which will go to abolish the individual independence of the freemen of this country. This nation, sir, has a surer pledge for independence than she will ever derive from the advantage of manufacturing establishments; the attachment of her sons, who pursue the course pointed out by prudence and industrious enterprise, who plough her soil, who go not to the capitalist for daily employment to procure his daily bread, but is the lord of his own manor; who in war are her soldiers, in peace her citizens; these are the safeguard of the nation, and here is to be found the bulwarks of her independence. Why then tax them? I have heard it contended that, in the event of war, when intercourse with foreign nations might cease, that it would be all-important to the nation to have extended manufactories at home, which would enable us to clothe and blanket our soldiers within ourselves. It is granted that this is true; yet, in such a state of things, there is no doubt that we should have to pay dear, very dear, for their fabric, while the surplus produce of the farmer would rot on his hands. The pecuniary interest, would, therefore, in such an event, be in favor of the manufacturers. Now let a free agricultural people take this hint. I wish, Mr. Chairman, to be plainly understood. I am no enemy of manufactures. I feel a pride in the progress that they have already made, and I feel interested in their success; and it is to me a source of real gratification to see them soaring, as it were on the wings of your eagle, and almost surpassing many of the oldest establishments of Europe. The reflection is consoling. What, sir, has brought us to the present happy state of things? It is the natural consequence resulting from free institutions and wholesome laws. It results from the genius of that Constitution which holds out to every man in this community, from the President to the poorest beggar that impedes your way in the streets of Washington, equal rights, privileges, and protection. "But let every tub stand on its own bottom;" let equal protection be your polar star; let the man who has funds vest them, if he pleases, in manufacturing establishments. Should he prefer agricultural pursuits, let him vest his

money in lands, and plough those lands with horses, oxen, or mules, as may best suit his fancy or judgment. Does he abhor slavery, the free States are before him. Should he prefer growing coffee, sugar, or cotton, let him go the South, and stock his farm with the descendants of the sable sons and daughters of Africa. Should another think proper to seek his fortune over the dangerous ocean, let there be no restraint to his wishes. Let the choice of your citizens in their pursuits be as free as the air they breathe. Remember, Mr. Chairman, that a three-fold cord is not easily broken. The nation naturally divides itself into three different classes; agricultural, commercial, and manufacturing. Suffer not one fold of this cord to ride on the other; it will weaken the whole.

Control not the flight of your eagle by taxing one part of the community for the benefit of the other, but let every feather in her wing be the rights of man. The example and success of England is urged as an argument in favor of this bill. Sir, the reasons that controlled the policy of that nation vanish as soon as you point your finger to your unimproved lands; and while gentlemen were travelling through Holland, Spain, France, England, and Russia, for arguments in favor of the proposed restrictive system, they could have found authority equally as respectable to prove that a Republican Government is not best. The balance of trade, which the friends of the bill state to be against us, is urged as an argument in favor of the bill. The gentleman from Pennsylvania has given us a long statement of the exports and imports, proving that large sums annually appear against us on the balance sheet. But the statement made by the honorable gentleman from Kentucky, going back for upwards of twenty-five years, shows that this is only an apparent, and not a real balance. This statement has not been contradicted, neither has the able manner in which he has explained this point been answered. But, granting, for argument's sake that the balance is against us, it is one of those evils in trade which carries in itself its own remedy, and it will regulate itself. Sir, the adoption of this system carries with it the inevitable consequences of internal excise and direct taxes. Take up this restrictive system, and soon will the farmer see at his door some unwelcome visitors; your assessor, your gauger, and your collector, who, uncontrolled by etiquette, will not wait an invitation. There is one class of the population of this country with whom I could deeply sympathize on such an event; I mean the poor man, who, perhaps, has a tract of land worth one or two hundred dollars, a wife and four or five children, who are entirely dependent upon his individual exertions for their support, on whose back has never been a fine broadcloth coat, and who, by sheer saving has made out to buy a coarse big coat to shield him from the inclemency of the weather when he may go to meeting, and other pursuits inseparably connected with agricultural purposes. To tax the land of such a man for the protection of the manufacturer, would be unjust and cruelly oppressive. But it is unpopular to say any thing against the bill. You are charged with being for the "let-us-alone system," or a radical—names which know no other definition than a sneer. The "let-us-alone system" is a bad one; the Emperor of Russia has said so, and so says the gentleman from Pennsylvania. I thank the Committee for their indulgence; I should not now have troubled you, but that I look upon the system now proposed for your adoption as militating more against the interests of the people whom I have the honor of representing, than any subject which has been before the nation since I have had a seat in this House.

When Mr. MCNEILL had concluded—

Mr. HAMILTON, of South Carolina, followed on the same side.

Mr. WRIGHT also delivered his sentiments against the bill.

Mr. MONTGOMERY, of Kentucky, said that, having obtained the floor, he would occupy a portion of the time of the Committee in presenting his views of the subject under discussion. He said it was true that his lot had been cast in a land far removed from the grand operations of commerce and manufactures; that he had not had opportunities of acquiring that precise knowledge of the minutiæ, and of the technicalities of those matters, which others possess; but that he had taken some pains, by reading and reflection, to understand the operation of general principles, so as to form opinions respecting their general results; and, as he was confident that he had not designed to deceive himself in the examination which he had made, he would certainly act in accordance with his own conclusions.

He then said he would present some of those important features of the bill, and, also, some of its most important consequences, about which there could hardly be any disagreement. On the very "head and front" it purported to be a bill to protect and encourage manufactures; it proposes an increase of duties on various articles, as lead, iron, silk, &c.; respecting which he would say nothing further at present. The articles which had most strongly attracted his notice were woollen and cotton goods. By the present tariff of duties, woollen cloths are subject to a duty of 25 per centum ad valorem upon the price in the country from whence imported, to which 10 per centum is to be added if brought from any place on this side of the Cape of Good Hope, and 20 per cent. if beyond that place. By the bill under consideration, it is proposed to increase the duty to 30 per centum, and to establish a minimum of 80 cents per square yard. At this rate of duty, combined with the provision respecting the minimum, and the addition of 10 per cent. a square yard of woollen cloth of the value of 24 cents in Europe, would, upon being imported into the United States, be subject to a duty of more than 100 per centum on the European price; and woollen cloths above the minimum would be subject to a duty of more than 33 per centum. Under the present tariff of duties, cotton cloths pay a duty of 25 per centum upon the prices in the foreign markets,

with an addition of 10 per centum if brought from a place on this side the Cape of Good Hope, and 20 per cent. if beyond; and the minimum is fixed at 25 cents per square yard; that is, none is to be estimated to be worth less than that sum. By the bill now under discussion, it is proposed to make no change, except that the minimum is to be extended to 35 cents. Subject to this change, a yard of cloth, sold for 10 cents in one of the markets of Europe, must pay a duty of more than 100 per centum. In the rivalship between the importing merchant and the American manufacturer, in the above-mentioned articles, the manufacturer has the advantage of the duties, together with the cost of carriage and insurance. It is impossible, said Mr. M., to say how far the provisions just adverted to would operate in excluding woollen and cotton cloths from being imported to this country; but he apprehended they would have a great deal of efficacy in this way. The enemies of the measure charge this against it as a fault; and the friends of the measure cannot but admit that it must fail of its end, unless it has the effect to a considerable extent. He believed a view of the reports of the Secretary of the Treasury would shed some light upon this matter. From these, it would be seen that, in the year 1815, the ad valorem duties were over $22,000,000, and the specific duties were something over $12,000,000. In 1816, the proportions were about as sixteen millions to ten millions. In 1817, the proportions were about as eight millions to nine millions, and the specific the greatest. In 1818, the proportions were about as eleven millions to ten millions, and the ad valorem the highest. In 1819, the proportions were about as eight millions to nine millions, and the specific the greatest. In 1820, the proportions were about as six millions to ten millions, and the specific the highest; and in 1821, the proportions were about as seven millions five hundred thousand to ten millions five hundred thousand, and the specific the greatest. Thus, the ad valorem duties, which, in 1815, constituted a sum approaching to two-thirds of the whole amount, had so sunk in the scale as to be, in latter years, no great deal above one-third. Now, as woollen and cotton goods constituted, even in the last years, a very large proportion of the merchandise paying ad valorem duties, it is fairly to be inferred that the change in the relative proportions since 1815 ought to be ascribed to the tariff of 1816, now in force; and, as the provisions above stated ought to be expected to have the same sort of efficacy, a further declension in the amount of the ad valorem duties may be predicted with much confidence. This declension, he believed, in a very few years, would be about three millions of dollars, exclusively ascribable to the encouragement given to the manufactures of woollen and cotton cloths; and, as the banishment of competition between the manufacturers and the merchants would still further encourage the former, by enabling them to demand and receive higher prices on the above mentioned articles from the consumers, and, as that species of encouragement might be expected to be in full operation in a few years, he thought it but fair to put down three millions of dollars for that item. He said he would not at this time make any comment upon the other items in the bill. The bill, he said, upon its very "head and front" purported to have for its object the protection and encouragement of domestic manufactures; and it was quite clear that there must be either a loss of revenue, an increase of prices, or both, in order to effect the purpose of its friends; and the latter, he had no doubt, was the most effectual to secure the end, and, he had little, if any, doubt, would be among the first effects of the bill, should it pass into a law. He then said he would consider this bill in connexion with the title, as asserting that it is wise, that it is expedient to aid one class or section of the community by giving to them a portion of the money or property of another class or section without any return, in services or otherwise. That this, in effect, is what the friends of the bill design, cannot be denied; because their object, as avowed, must fail without such result. Against the enactment of such a principle, he said, he felt most decidedly hostile.

He said two questions had been discussed; the one involving the power of Congress to pass this bill, the other the wisdom or expediency of passing it. Upon the first he would be very brief, as he was aware that the friends of the measure might avoid the imputation of a direct violation of the Constitution, by changing the title of the bill, so as to make it appear to be a mere revenue law. In passing, he would, however, observe, that no direct power to legislate upon the subject of manufactures could be found in the National Constitution; the word is not in the instrument—it is not among the heads of the specified powers; nor could it be brought within the range of auxiliary powers, but by a laxity of interpretation which would embrace every species of political power whatever. But, notwithstanding the charge of direct violation might be evaded in the way mentioned, still the object of the bill is hostile to the spirit of the instrument. By the last sentence of the fifth article of the amendments it is provided, in express and strong terms, that "private property shall not be taken for the public use without just compensation." Here is manifested a sacred regard for the rights of private property, by the people of the United States; it is not to be taken, even for public use, without just compensation. But what do the friends of the bill propose? Why, sir, to take a very large sum, indirectly, to be sure, from the agriculturists, the common country mechanics, and the men of professions, and give it to the owners of large shops for manufacturing cotton and woollen cloths. Now, as that which cannot, nor ought not to be done directly, ought not to be done indirectly, it seems to follow that this measure ought to be rejected as an inroad upon the spirit of the Constitution. It is true, that the friends of this policy allege that it is to be highly beneficial to the nation; and it is equally true that the allegation may be easily made, upon any and every occasion, however absurd. The proof of this great national benefit rests upon a

string of vague conjectures, whilst the loss of the money is certain. He asked, emphatically, whether the friends of this bill would dare to take some two or three millions out of the public treasury, directly, and give it to the manufacturers, upon their conjectures about beneficial results? He concluded they would not. He said the bill was designed to produce the same effect, in an indirect way.

He said there was another provision in the National Constitution, the spirit of which will be violated by the passage of this bill; it is contained in the fifth paragraph of the ninth section of the first article. It is therein declared, that "no preference shall be given by any regulation of commerce or revenue, to the ports of one State over those of another." In this provision the spirit of exact and impartial justice, among the various sections of our country, is clearly evinced. Now, how does the matter stand under the provisions of the bill? Why, sir, its friends speak of it as a revenue bill; and they cannot pretend to say that the southern section of the country can participate in what they call its benefits; and they cannot but know that they will be subjected to great losses under it; yet, partial and unjust as it is, they seem determined to pass it, because it will benefit, certainly, the manufacturers of some of the middle States; and because some of the people in the western States guess it will promote the interests of manufacturers in that section. He then said he would pass to the question of expediency.

He objected to the bill, that it tends prematurely and unnecessarily, through the medium of injustice, to divert capital and labor from objects more advantageous to the American community. He said, the history of all the nations of Europe, many of those of Asia, and the nature of men and things, went clearly to show that there has been a point of time in their annals, when the character of hunters was predominant; that the next in order was the agricultural; after which, the occupation of merchants began to be a distinct business; and then, in succession, and in due time, manufacturers upon a large scale, and operators in the fine arts. That this is the natural progress of man, from a sparse to a dense population, and that no positive legislation is requisite to insure it; that the principle of population, with the efforts of individual interest, will as certainly produce these successive divisions of labor, and changes of character, as that matter, unsupported, will fall to the earth by the operation of gravity. If land is abundant, and wild game to be found sufficient to feed the people, they will be hunters; and it will be their interest to be such, because it will be necessary to rid the country of the wild beasts before the rearing of domestic animals could be well conducted. The occupation of herding, which is the next step, although it will support a greater population than the wild beasts of the forest, is still very limited, and will, by the principle of population, soon be insufficient for the support of the people; and their interest will indicate a more general resort to tillage; and so, under the propelling power of the principle of population, and the stimulus of interest, a community will be carried on through each successive step of the course. Positive legislation would often embarrass and distract a people in their progress, and rarely, if ever, add to their happiness. A people entirely unlettered, and without the use of the arts, having no intercourse with more polished nations, would be very long in passing through the several steps of the process; but a colony from a polished country, or where the intercourse with polished nations is convenient and frequent, the passage may be expected to be rapid.

He then observed, that a survey of the extent of our country, the occupations to be found in it, and its population, and a comparison of our territory and population with the territory and population of some of the countries of Europe, may shed some light upon this subject. Upon a comparison of the territory and population of the American Republic with the territory and population of England and Wales, the proportion will be about as four to America, and one hundred and seventy to England and Wales. Upon the like comparison with the kingdom of the Netherlands, the proportion will be about as four to two hundred and thirty; and upon the like comparison with France, it will stand as about four to one hundred and eighty. We have a seacoast, which, including Florida, is about three thousand miles in length, inviting our citizens to partake in the bounties of the ocean, and the advantages of commercial intercourse with the nations of the earth; we have a large commercial navigation, and a respectable Navy; we have a lake border of great extent, affording employment to many; we have an immense, unexplored, and unfelled forest, affording occupation or employment to very many indeed, in the character of hunters, herdsmen, and the most rude form of agriculturists; and we have a vast, but imperfect agriculture, requiring additional labor to perfect it, and requiring the aid of very many, indeed, in the characters of country handicraftsmen and artisans. Can it be true, then, that it has become necessary to legislate, in order to provide employments for our people? Is it necessary to apply some stimulant for the purpose of creating other divisions of labor? Is the condition of the Republic already so sickly as to require this aid from the political doctors? To these questions a negative answer ought to be given. Can two hundred and thirty to the square mile subsist in the kingdom of the Netherlands, and four be hardly pressed in America?

The policy of this bill is not only premature and unnecessary, but it is grossly unjust. The extent of its injustice cannot be ascertained with precision, but it will certainly be very considerable. From the remarks before made, to show the effects of the bill, it may be fairly inferred that it will be the cause of a loss of revenue to the Government, to the amount of three or four millions of dollars per annum, counting from the termination of some two or three years. The loss of revenue, merely, will not produce the result which is desired. To effect this, there must be an increase of prices. As the bill, if passed, will exclude all fair compe-

tition between the merchants and manufacturers, in the articles of woollen and cotton cloths, and probably some other articles, an increase of prices to a large amount, is fairly to be inferred. The sum total of the increase will probably amount to as much, or nearly as much, as the revenue lost—say three million of dollars; and, as the deficit in the revenue of three million of dollars must be supplied by some mode of internal taxation, to be paid by the tillers, landholders, blacksmiths, carpenters, coopers, joiners, &c., the extent of the injustice to these may be set down at six million of dollars, annually, paid to large capitalists, engaged in conducting manufactories of woollen and cotton cloths, and perhaps a few others. But it is fair to admit that the smugglers may take a share with the manufacturers in the market; and, if so, the increase of prices will not be advanced so much. But, still, the revenue lost must be made good; so that the people will, in the latter view, pay about five million of dollars to encourage domestic manufactures, and for the benefit of smugglers. He said he was aware that the application of so strong a stimulus would, in the course of some twelve or fifteen years, divert so much of the capital and labor of the country, from present occupations, that more would be manufactured than could be consumed in the country. The natural results of this state of things will be the reduction of prices, and a large surplus unsold; and then applications to Congress for bounties, to enable our citizens to compete with foreigners, in foreign markets. We will be then told that the property belongs to the nation; that it will be better for the nation to pay a small bounty than to lose the property so on hand; and that, by giving such extra encouragement, we had produced the result, and ought, in good faith, to relieve the manufacturers from the difficulty.

He said, that the next objection which he would present, was, that the policy of the bill may, and probably would lead, to an injurious use of foreign capital. The foreign manufacturing capitalists, in making sales of the products of their shops, must do it with a reference to the state of duties to be paid, the expenses of transportation, including insurances, and the profits of the merchants; they must, in the general, be content with a small per centum upon the capital employed in their business; and they are generally induced to employ it at home for a small profit, because of its being immediately under their inspection, and because they are unwilling to leave their friends and relations; but this bill, which, from the remarks of many gentlemen, seems to be intended as a measure of war against British manufacturing capitalists, presents a temptation rather too strong to be resisted by them; it will have the double effect of embarrassing their operations at home, and of inviting them, by premiums of more than thirty and one hundred per centum, to come here; they will soon discover, that they may remain in Britain with their friends, and, by planting their shops here, draw from hence, annually, exorbitant profits upon their capital. The fear of excessive competition, before the lapse of a long time, and want of confidence in the stability of the proposed system, may deter them from this course; but the temptation is certainly very strong. One nation may use the capital of another, profitably, under certain circumstances. This will be true in relation to a people in their infancy, paying a moderate rate of interest; but the payment of thirty and one hundred per centum must be greatly detrimental; and too much to be paid under any state of circumstances.

He said, another objection to the policy of this bill, is the probable loss of markets for some of our staples. Some gentlemen seem to entertain the idea that, under the operation of the proposed system, there is to be, in a short time, a great overflowing of cash in this country; that when we export and sell some sixty or seventy millions of dollars worth of our products, and bring back little else than gold and silver, we will have excellent times. This, sir, is mere dreaming, and is a state of commerce which the world could carry on with us but for a few years. Commerce, sir, is based upon mutual advantage; the great items of it consist of what can be parted with on each side, not in that which the one or the other has not, and consequently cannot part with; comparatively small quantities of gold and silver are thrown in, to strike the balance. How, then, will our commerce stand with the nations of Europe, when we refuse to receive in exchange the products of their work-shops? The answer is obvious; they cannot trade with us; they must look out for markets where they can exchange those things which they have, for those things which they stand in need of; besides, under such a policy, our commodities must compete with those which have been brought into market by merchants, making a profit on the outward and inward cargoes, whereas, our merchants would have no chance of profit but on one. The result of such a course of commerce, must be, sales at excessively low prices, whenever made; and the loss of sales to a very considerable extent. The British merchant will not go out to Brazil and elsewhere, in South America, with a cargo of woollen and cotton goods, and refuse, while there, to take cotton in exchange for his cargo, insist upon receiving cash, in order to return by a port to the United States, to purchase cotton, unless the price in the United States be excessively low.

He said, another evil, and one dependent upon the last, will be the decline of agricultural industry. The loss of markets would dispense with the necessity of growing the quantity which had before been produced, less being required, less would be produced. He said, another objection to the policy under consideration, will be its tendency to the reduction of the number of our sailors. He then remarked, that, if all the labor of the people might be usefully employed without the creation of any new business or occupation—and he had hoped that was apparent, from the survey which he had taken of the various occupations in the country—it would follow as a correct conclusion, that the withdrawal of labor from any class might be productive of mischief; if our vast agricul-

ture is imperfectly managed, and would require more laborers to give it that degree of perfection of which it is susceptible, certainly it will become more imperfect, by taking from it a portion of those persons who ought to be employed about it. But the number of sailors is more directly under the influence of this policy, than any other occupation. The large work-shops intended to be brought into existence, or encouraged, being already in existence, will be sited, or are already sited, in the country adjacent to the seacoast; the poorer class of boys are the materials, out of which sailors are to be made, and the same may be said of the hands for conducting the machinery of those shops; a competition, then, will be raised immediately between the navigation of the country and the manufacturers, in which the latter will prevail; the perils of the ocean, the frequent separations of parents and children, incident to a sea-faring life, will enlist the feelings of parents on the side of the manufacturers; and the navigation of the country will be greatly paralyzed, if not wholly ruined. We may still have ships for commerce, and vessels of war; but without sailors they will be but lifeless masses. He said, facts already existed, which tended in some degree to prove that this ruinous competition has been in operation. In the year 1806 we exported, of the products of the fisheries $3,420,000 worth; in the year 1821, the exportations from the same source, amounted to only $1,499,000 worth; this declension, he much feared, had, in a high degree, resulted from the high duties of 1816. This matter demands our very serious consideration; our commodities for exportation are extremely bulky, and consequently require a great tonnage and many sailors; and we have a young navy, encircled in a blaze of glory, requiring also a great number. Will it be wise to adopt a policy which may prostrate our navigation, commerce, and navy? All will answer, that it would not; but the friends of this measure can give no assurance that such will not be its results; and surely the application of so strong a stimulant must tend very strongly to produce such results. If we have barely enough to fill the various employments in the country, and the class of sailors will be most probably reduced, and to the greatest extent; the consequences will probably be the utter ruin of the employments dependent upon sailors, together with our infant navy.

He said, it was a further ground of objection to the policy of this bill, that it will, in its operation, be calculated to produce a change in the character of our population, without, in any degree, increasing the moral or physical energies of the nation, or in any degree promoting the increase of virtue; but, on the contrary, in all those particulars, having the opposite tendency.

He said he would not stop long to determine whether virtuous habits might not be maintained in one of those great workshops. He was willing to admit it possible, under proper regulations; but he believed the life of a country cultivator, or a country mechanic, more favorable to such habits; and, as to mental and bodily energy, the latter mode of life was certainly most favorable. Those reared up in these workshops are certainly engaged, except during the few hours allowed for sleeping, in a few operations, confined within a very narrow space, and requiring their unremitted attention; their limbs are not duly exercised, and they have neither time for receiving impressions from external objects, nor for reflection upon such as they may chance to see; and they can have but a very limited knowledge of human nature. Hence, they become, as it were, appurtenant to their shops, and completely dependent upon the capitalist who has employed them. Not so with the man of the country; his mind is continually roused into a state of activity, by the continual operation of external objects, forcing him into trains of reflection; he walks abroad erect, and intermingles with men; he applies himself to various occupations; he is not dependent for bread on the whim or caprice of any particular individual, or upon finding employment in a particular business; if the axe fails him, he can take the saw; if he cannot be employed to make rails, he can grub; if not to reap, he can mow.

Mr. M. remarked, that he was no enthusiast; that he was almost without imagination; but yet, when he read of, or in any way heard, the recital of the feats of our hardy and valiant tars upon the ocean's wave; or of the exploits of our terrible sharp-shooters of the field and the forest, he felt the pleasant glow of national pride; he was ready to cry out, these will be our shields in the hour of peril; but, when told of the dexterity of male spinners and male weavers, he experienced no such emotion, and hoped for but little from their powers for defence. A transformation of our population must, in some degree, take place, under the operation of natural principles; and, when it comes to pass, it must be endured. But he could see no wisdom in legislating to hasten a period, which must of necessity come; and which, when it arrives, will bring no addition to our happiness.

He said he would state, as another and the last objection to the policy of this bill, that it tends to accumulate too great a portion of wealth in a few hands; and, by consequence, to the creation of a sort of aristocracy. So large a profit as this bill indirectly promises to those who have or may invest their capitals in the woollen and cotton manufactures, cannot fail to produce this result, if the system is persisted in; unless they are arrested in their course by too much competition, or by excessive smuggling; neither of which, nor both, as he thought, could effect it, except partially. These men, then, may be expected to become excessively rich, and will have around them hosts of men, having no will but that of their employers; men dependent upon those money-holders, and not well qualified to form opinions of the characters of men. Chance may, to be sure, give this influence a salutary direction. It may so happen that interest may point to the right way; but there is great danger of its operations being opposed to the general weal; and it is fair to view it as an organized interest, ready to act with great effect in the politics of the community, and willing, whenever

it may, to promote its interest at the expense of the community. From these knights of the spindle and shuttle, he confessed, that he expected a very close adherence to their own interest; and he believed, from what he had already seen, that their power may be very great, and much to be feared. Having presented some of the many objections to the principles of the bill, he said he would proceed next to the consideration of the arguments which have been relied upon as supporting them.

He said that the friends of the proposed policy assert, that the balance of the account, in our commerce with foreign nations, has been for many years running against us; that we have been yearly exporting specie to make up the balance; and that we must resort to this policy to restore the balance, and save our specie. The propositions here stated are affirmative, and ought to be convincingly established before they are made the basis of legislation; and of this the advocates of the bill are aware, and accordingly have presented what they call proofs. Let us hear and examine them. The excess of importations over exportations, as exhibited by the records of the custom-houses, is alleged to indicate this unfavorable balance. If this be true, the balance has been against us every year, from 1790 down to the end of the year 1822; and to so large an amount, that it must be impossible for us to pay them, and ruinous to the nations who have extended to us such credits; in a word, that they have given to us so much of their labor, without any return. The excess of importations over exportations does not indicate an unfavorable balance; and in truth, *per se*, indicates nothing conclusively, except that there is a difference between the amount of exported and imported articles, according to the invoices. He said he had heard much talk about the commercial balance, and great difference of opinion among men apparently learned; but as, from the discordance of their views, he could rest upon none of them, he had been induced to examine the matter, with considerable attention, himself; and was now thoroughly convinced, that nothing could be more equivocal than the excess of importations, as an item in a nation's account; that even learned men had put it down on the debtor's side, when it manifestly ought to stand on the side of credits. He said he would further illustrate what he had advanced, by recurring to some statements and remarks in Seybert's statistical work. Doctor Seybert states the average amount of exportations for the three years, 1802, 1803, and 1804, at $68,481,000 worth, and the average of importations, for the same three years, at $75,316,000 worth; supposes, evidently, that we were chargeable with the latter sum; deducts the first from the last, and says that there was an apparent balance of $6,835,000 against us. Now, as the years selected were the most prosperous in the annals of our commerce, it is quite alarming to be told that, at the end of that term, we had sunk nearly $21,000,000. A close scrutiny of this matter will show that the doctor was under a small mistake; that, instead of an apparent balance against us, there was, to use a lawyer's phrase, *prima facie*, a balance to near the amount of the excess stated in our favor; and of course that the item of excess was placed on the wrong side of the account.

We know, from the records of the custom-houses, the amount of commodities exported, and their American prices; and we know the European prices of the articles imported. We may know from the same source the proportions of the American and foreign tonnage employed in the commerce of the three years mentioned. The American is believed, and, for the sake of argument, will be stated, as constituting nine-tenths of the whole. This is all the information which the records exhibit; and what is the rational conclusion from the evidence? It is, that the American merchants exported nine-tenths of the sixty-eight millions, with which they purchased and paid for nine-tenths of the seventy-five millions. In making up the account, then, nine-tenths of the excess of the importations are to be placed to the credit of the United States, and not debited; and as we have been debited, when we ought to have been credited, the nine-tenths must be taken from the seventy-five millions, the amount of importations, and added to the sixty-eight millions. The balance in our favor, under this view, will, *prima facie*, appear to be about $11,503,000. This will be better illustrated, perhaps, by putting a very simple case. Suppose, then, that an American merchant, upon his own account, and in his own vessel, and with his own sailors, exports $40,000 worth of American commodities, and actually barters them for $50,000 worth of European merchandise, which he imports; how will the nation's account stand in this single transaction? Why, according to the account of Doctor Seybert, there will be an apparent balance of $10,000 against the nation. But, in this case, it is quite clear that the excess of the importation over the exportation, is gain, as well with respect to the individual as the nation; and that if it is charged, when it ought to have been credited, that error can only be corrected by taking the amount from the side where it was wrongly placed and adding it to the other. To take it only in the case put, would leave $40,000 on each side, when it appears clearly that the two sides make $90,000. But he said he would admit that the inference which he had contended for may be fallacious, and that the excess of importations may not indicate truly the real state of the account. The commercial transactions of a country may be conducted principally by foreigners or with foreign capital, or large credits may be taken; in either of which cases the *prima facie* indication would be incorrect; but these are matters to be proved by evidence *dehors* the record.

But as further matters of evidence, of an unfavorable balance, it is said, that the rate of exchange with Britain is against us; and that the owners of stock have been sending them there to be sold for less than they could be sold for here. He said he would admit that these are indications of an unfavorable balance, at some time not very remote, in our account with Britain; but they

could not be taken as evidence of an unfavorable balance, in the great general account with the world: for the account may stand well with all others except Britain. He said further, that the facts alleged may be true, and yet the account may stand well in the transactions of the last two or three years. It will be recollected, that, in the year 1808, our exportations were prohibited, and the books of the custom-houses will show so large a balance against us in that year as to exclude the inference of its being the result of the gain of the merchants; our account, then, in that year, was deranged, and rendered very unfavorable; and it is but reasonable to suppose that the account of several succeeding years was influenced by that; that is to say, we were not clear of debt, and were paying off the old score for several years, or in other words, we were obliged to apply the proceeds of a present to the discharge of the score of a past year, and take credit for other purchases, and so on. It will also be recollected, that our importations in 1815 and 1816 were excessive; and so much so that their excess, combined with other circumstances, prove that they were not the result of merchants' profit, and, consequently, that the balance of those years was against us. The operation of those balances, of course, has been the same as before mentioned; and may in truth be the cause of the facts alleged. He could not infer, from any known facts, that the balance of the last three years was unfavorable. The excess of the imports over the exports, were not more than a moderate profit of the merchants and shipowners. As to the running out of the specie, which seemed so deeply affecting to some gentlemen, he had only to say that it must have run in before it ran out; and that, notwithstanding this running out of specie has been complained of for a very long time, we have still vastly more of it than in days of yore.

But, if it be true, that the balance of our commercial account is unfavorable, still it would not follow that the passage of this bill would set it right; he believed, the friends of this policy had not well examined the causes or agents in the production of such balance; and he believed, also, that, upon making such examination, it would be found to be a matter not so easily controlled by mere positive legislation. He said, the love of distinction has a mighty agency in the production of the effect under consideration; it is one of the strongest principles in man's composition; inducing some to advance, undaunted, upon the pointed bayonet, and roaring cannon; displaying itself in others in splendid houses, furniture, equipage, and clothing; presenting itself in others in the variety and quality of costly articles of diet and drink; and manifested by others in large collections of costly curiosities, having little utility. The desire to gratify our appetite for delicious meats and drinks is no inconsiderable agent, in the production of the effect. Idleness has a double operation; the one positive, the other negative: and prodigality, in every form in which it can be presented, is a most powerful agent, in this matter. These causes or agents exist at all times and in all places; but there are others, which may be said to be peculiar to this country. The first is the infancy of the nation: we may be compared to a family just breaking forth from the parental establishment, to settle and create new establishments; whilst all the members of a family remain with the parents, the same house, with one set of furniture, and one set of implements of husbandry, suffices for all; but when the members separate, and set about establishing themselves upon other farms, each must, to a certain extent, have the same articles possessed by the parents: hence, a great increase in the expenditures of the same family, or rather what had constituted the same family. So, in this infant republic, we have had an immense forest to clear, and families have been reared up and separated, and those so separated have reared up others, who have separated; and farming establishments have succeeded each other with a rapidity not to be paralleled in any other country or age: hence, the necessity of much greater expenditures, in proportion to numbers, than in long settled countries; and by the way it may be remarked, that the expenditures superinduced, by this state of things, to a certain extent, would well justify an unfavorable balance, in our commerce with the old nations of Europe, because it was a means of rendering our lands more valuable, in a degree beyond calculation. Another cause of a tendency to an unfavorable balance, is the approximation to equality of pecuniary condition existing in large portions of our country. This state of equality produces a sort of rivalry among the members of the different families in the same neighborhood, productive of the expenditure of much money, in very expensive foreign articles of show and fashion: change the scene; render all poor dependent tenants, not one daring to think of wearing a Leghorn bonnet or using a mahogany table, and a vast saving in the nation's expenditures may accrue, because the sum necessary to support the one in great splendor will be greatly exceeded by the sum total expended by the many in the case first described. There are other causes, which are accidental, and may exist in any country, as a sudden depression of prices, famine, &c. A fair view of these causes and agents in the production of an unfavorable balance of commerce, ought to convince us, that it is a matter not to be controlled by mere legislation, without resorting to means extremely rigid, vexatious, and hardly compatible with rational liberty. But, let not the friends of the principle of this bill repine, because of the difficulty of regulating this affair by acts of Congress: there are in the natures of men and things correctives, which will certainly keep the matter about right; yes, there are laws which can control the balance of commerce, and will do it. The efforts of the prodigal and vain tend to render us debtors to foreigners, whilst the efforts of the industrious and frugal have the opposite tendency; the prodigal and vain soon run their courses of extravagance; the industrious and frugal move on without ceasing, through life, and with an increase of force more than in a direct ratio. Here, then, are grounds for much hope. And there is still

another; it is the prudence of foreigners. We may rest assured that they will not sell us much more than we can pay them for. They may make a mistake about this matter; and, whenever they do, it will be loss to them, and gain to us. A second fault of this kind ought not to be expected. This affair of the balance of commerce has, then, its own laws, possessing sufficient efficacy to keep the accounts of nations in the proper condition.

Mr. M. then remarked that it had been contended here and elsewhere that the Government was bound to protect domestic manufactures; and this argument, if argument it may be called, has been urged with so much zeal that many had been imposed upon by the manner rather than the matter. If the friends of this bill were required to designate the jurist or writer on the subject of political power who had used the word protection in the sense of this bill, he was confident they would fail to find one. Yet this Government is boldly censured for not adopting a newfangled sense of a word, having heretofore a well settled import among politicians; and, under such new sense of the word, exercise the power of bribing a portion of the people to embrace a new occupation, and to compel the balance to pay them exorbitantly for so doing. It may be useful, under this head, to present a clear but concise sketch of the duties of governors with respect to the rights of the individuals of the community.

1st, Then, the personal rights of individuals ought to be equal, and clearly and explicitly defined; and such ought to be the state of the law in relation to property, real and personal.

2d. Crimes and misdemeanors, with their punishments, ought to be clearly and explicitly defined.

3d. Such regulations of police as would promote the general weal ought to be adopted, having a strict regard to justice among the members of the community.

4th. Justice ought to be correctly and speedily administered; and, to this end, well organized courts ought to be kept constantly in operation.

5th. A well organized public force should be constantly in readiness, to repel illegal violence, external or internal, and to yield to each member of the community whatever to him belongs, according to the laws, as manifested by the judgment of a court.

These matters embrace "the law and the prophets" of good government; and yet this matter of protecting and encouraging domestic manufactures is not embraced. In truth, it is a novel reading of political protection, neither warranted by good authorities, justice, reason, or the Constitution of the nation.

It is contended by the friends of the policy of this bill, that as we have certain raw materials, we ought to work them up. This argument proves too much to be of any value; for, if it be true in relation to us, it is also true with respect to the Indians inhabiting the vast scope of country between Hudson's bay and the mouth of the Columbia river, proving that they ought to manufacture their beaver skins into hats instead of selling them. The useful branches of the commerce of a nation may be divided into two parts; one, the exchange of the surplus of its products for articles calculated to render the condition of the people more comfortable, but which articles might be obtained at home by the exertion of a much greater portion of labor; the other, the exchange of such surplus for articles yielding greater comfort, as indispensable as medicines, and which cannot be obtained at home. The exchange of our raw materials, cotton, for example, for cotton cloth, belongs to the first branch; and the exchange of flour for coffee belongs to the second. But remarks previously made prove that the course proposed, if carried into full effect, would break up our commerce with all the world, or so reduce it as to render it unworthy of any further notice. In what ought a nation to deal with foreigners; or, in other words, what articles ought it take into the markets of the world? The answer is at hand—it ought to go into the market with those articles which, from the peculiarity of the climate, soil, or condition, it can produce with the greatest comparative advantage. In what have we the advantage of the nations of Europe, most densely populated? The answer is, in abundance, cheapness, and freshness of soil; in a capacity to produce raw materials at a less expense. In what have they the advantage of us? The answer is—in abundance of labor. The most advantageous interchange in commerce, then, must be raw materials for what, in effect, is labor—nicely manufactured articles. This notion of manufacturing instead of bartering is anti-social, and, when pursued into all its consequences, is truly absurd, and calculated to break up the commerce between nations in the most advantageous points. There is nothing accordant with the best feelings of men in the idea of withholding from the very poor of Europe the only means which they have of feeding and clothing themselves; when, too, they can make you a just return in the only possible mode—by their labor.

It is contended, by the friends of this bill, that we ought to pass it, in order to create a home market for our agricultural products. This proposition presents itself to the cultivators in a very imposing attitude. Some of them, not looking minutely into it, imagine that a great increase of prices will be immediately consequent. Let us look into it, and ascertain what it is worth. It will be taken to be true, that there would be as many people in being without its passage, as after its passage; and it will be admitted to be true, that a certain portion of those who, without its passage, would remain cultivators, will, by the strong inducement which it presents, be transformed into manufacturers; and it will also be admitted, that thereby the agricultural products of the country will, to a small extent, be lessened, and consequently there may be a small, but perhaps not discernible, increase of prices. The account, then, will stand thus: on the one side, the value of the labor of the manufacturers transformed, by the stimulus of the law, from tillers, and the very inconsiderable increase of the prices be a very small lessening of the quantity of agricultural products; on the other side, the labor of

the persons withdrawn from agriculture, is to be set down as one item; the revenue to be made up, on account of so much, lost, say $3,000,000, and perhaps $1,000,000, is another; and the increased prices, say $3,000,000, is another. But there is another view which deserves notice. The establishments, contemplated by the bill, will only afford an increase of prices, and a beneficial interchange of agricultural for manufactured articles, within small districts of the country. He believed, that it could be demonstrated, that if one hundred thousand of those manufacturers were placed on particular spots in Kentucky, that the whole of the number might be fed without transporting any article for their consumption more than fifteen miles. The number stated is more than can be set down for the share of Kentucky; and the probable results of a beneficial character upon the whole State may be estimated with some degree of accuracy.

But, it is contended that the policy of this bill is necessary, to render us independent of other nations. This proposition, by the association of ideas, has been very efficient in misguiding the good people of the country; but, upon a near view, there is nothing in it; and many of those who use it must know that it has no solid or sound foundation. In a political sense, independence consists in the power of a people to legislate for themselves, and to manage their affairs, external and internal, without the control or direction of any other people, or persons holding political power, not resident among them. According to this definition of independence, we are as completely independent as any other nation upon our globe; and as to the anti-social feeling of independence which this bill inculcates, it ought to be repressed, rather than fostered. If there is any thing in the sentiment worthy of being cherished, we ought to carry it to its utmost extent, and have no commercial intercourse with any people, except through mere compassion, to sell them some of our useless products, taking nothing as the price but specie or bullion. According to the standard of independence which seems to be so dear to the advocates for the policy of this bill, we ought to refuse to purchase the Peruvian bark; for, although the use of it may enable some of us to live longer, where is the American who would not spurn existence, at the price of independence?

The chairman of the Committee on Manufactures has presented to us a woful account of the exports of breadstuffs in the years 1790 and 1822; it seems, from his statement, that we exported a greater amount in value, in the first mentioned than in the last mentioned of those years. This is to be regretted; it would certainly be as well, if not better, that Pennsylvania could get a better price for her surplus wheat. But the gentleman has not been very explicit in his development of the causes of the difference in value; nor has he told us the amount in value of the cotton exported in those two years, nor the total amount of our exports in those years. Perhaps more information upon these subjects would have yielded the nation some comfort. The difference in the value of the amount of breadstuffs in the two years mentioned is mainly to be ascribed to the then perturbed condition of Europe, in the first mentioned year. Pennsylvania, then, had her time of much profit; Georgia and South Carolina have since had theirs. These changes are to be expected, and must be endured, without demanding perpetual changes of policy. It will be seen, by recurring to the records of the custom-houses, that the total of the amount of our exports, in the gentleman's favorite year, was about twenty million of dollars worth; and from the same source we will learn that in the year 1822 the total of our exports was worth about seventy-two million of dollars, and it will also be seen, from a view of the same records, and a comparison of our population, in the two years mentioned, that the exportations of 1790 only amounted to four dollars and eighty-four cents for each person, when those of 1822 amounted to about seven dollars and twenty cents for each person. These facts are calculated to keep out the spirit of despondence, and have been presented with that view.

It has been said that we must retaliate upon the European nations; we must countervail their prohibitory systems, we must do something. If we could do something which would be efficient in bringing the nations of Europe to right views in relation to this matter, it would be well to act; but, if we cannot, it will be better to take no step in the matter, because no good can result from a display of impotent efforts. The European policy is calculated to advance the interests of one class, at the expense of another; as, for example, the British corn law oppresses the manufacturers and others, to enrich the cultivators; this is a policy which is abhorrent to justice, and we ought to avoid, rather than follow. But, even upon the views of the friends of this bill, there is no necessity for our retaliatory action; as one of these regulating systems will serve for two nations; if one of the two so regulates as to exclude the products of the other in its markets, the latter must soon cease to be a customer; so that the regulating nation will very soon find that it has laid hold of an instrument with two edges, which, if it wounds its neighbor in its first motion, will injure itself in the second. Here it may be proper to take some notice of the very sarcastic manner with which the advocates for the bill have been pleased to consider what they call "the let-us-alone policy," and more especially the great Russian Ukase, introduced, by a gentleman from Pennsylvania, with a most triumphant air, as being an authority, strong and directly in point, to overthrow the whole theory of the aforesaid policy.

The authority of the Russian Ukase cannot be acknowledged, first, because we cannot be certain that the reasons alleged by Alexander, Emperor of all the Russias, were the real motives to the making of the instrument; these great potentates, it is believed, frequently have two sets of reasons; the one for the world, the other for themselves. It will not be acknowledged, secondly, because it was not a fair experiment, to disprove the good sense of the "let alone policy."

The liberal system of commercial policy, it seems, was introduced into Russia in the year 1820; the first consequence of the change, as ought to have been expected, was exorbitant importations; immediately followed excessive competition amongst the vendors of merchandise, ruinous to some of them; and then, of course, was presented the spectacle of a people, greatly injured by making cheap purchases; this operation was permitted for about two years, and just when a reaction might have been expected, the policy was changed. The case is not in point; the experiment was not complete; and so the liberal or "let-us-alone policy" is left just where it was, before the making of this Russian Ukase. The sarcasms of the friends of the bill prove nothing, except a dearth of argument.

We have been triumphantly pointed to England, by the advocates of this bill, as a nation which has grown rich by her system of prohibitions, bounties, and drawbacks. It is true that the English nation possess immense wealth; vast riches are in the hands of the few; extreme poverty is the lot of the many. But is it true, that the system just mentioned has been the cause of the great wealth and power of England? Let us examine the subject somewhat closely, and see whether other causes have not produced the grand effect; and consequently, that the question put is to be answered negatively. The English nation, for centuries past, have cherished certain principles of civil liberty, favorable to the prosperity of a people; private rights have been clearly defined; crimes and misdemeanors have been in like manner defined; justice has been administered with purity and correctness; the most vexatious incidents of the feudal system have been abolished; and the citizens have been well protected against the aggressions of foreigners, whilst engaged in foreign commerce: so, that Englishmen might well know what they could enjoy in security. These principles were sufficient of themselves to give avarice the desire to be distinguished; the desire for the comforts of life; the desire to provide for children; and every feeling of the human mind; activity,—so that, in process of time, national wealth and power must have resulted. But, wise as many of the English institutions have been, and certain as it is that she must have prospered under them, still her astonishing wealth and power ought, in a high degree, to be attributed to the folly of her neighbors, and to events which may be considered accidental. Some of these will be presented. The banishment of the Jews from Spain, in the fifteenth century, added greatly to the wealth of England, and gave to her occupations increased activity; it was an event which positively depressed Spain, and positively elevated England, and the other nations to which they fled; for the Jews had been the merchants of Spain, and possessed immense riches. The banishment of the Moors from Spain positively depressed Spain, and relatively elevated England; they were the most industrious of the Spanish subjects. In the sixteenth century, Philip II., King of Spain, and hereditary chief of seventeen provinces in the Low Countries of the Rhine, commenced a most cruel religious persecution against such of the inhabitants as were Protestants, whereby he drove from his dominions a great number of the most industrious, wealthy, and useful of the citizens, into a state of exile; a very large portion of which took refuge in England, carrying with them wealth, and the capacity to carry on the manufacture of woollen cloths. Here it may not be amiss to remark, that this event happened only about one hundred and seventy years since; about seventeen centuries after the history of events in England began to be distinctly marked; and that, when it happened, she manufactured very little woollen cloth, and had been in the practice of exporting her wool to the Low Countries, and importing, in return, woollen cloths. This event gave to England wealth, useful citizens, and the manufactures of woollen cloth, and greatly depressed Spain. The repeal of the edict of Nantz, by Louis XIV., let loose the spirit of revengeful bigotry in France, whereby thousands of her most useful inhabitants, because they were Protestants, were compelled to fly into foreign countries: and of which England received a large portion. This event gave to England wealth, useful citizens, and her manufactories of silks, and tended to promote her industry and prosperity, and to depress France. The growth of the American colonies, combined with the monopoly of the commerce with them, tended greatly to enrich England; and her conquests and plunderings, in the East Indies, has been a source of much wealth. These several events, considered as so many causes, combined with the before mentioned sound parts of her institutions, are entirely sufficient to account for the high advancement of England in wealth and power, without allowing to her system of prohibitions, bounties, and drawbacks, any agency whatever. There is, to be sure, one view of that system, in which it will appear to have been extremely efficient; it is its tendency to render the condition of the people more and more unequal. The whole effect of it has been to enable the great landholders, and great capitalists, to command the services of the laboring portion of the community, at a bare subsistence; and such has been its cruel force in this way, aided by labor-saving machinery, that the Government has been compelled, through the medium of poor laws, to return back, annually, about $24,000,000 of the money thus extorted. Indeed, he said, the boastings of English statesmen about the efficiency of their commercial regulations, reminded him of the vain pretensions of quacks in the healing art. One of the latter, upon finding a man of vigorous constitution, laboring under a slight malady, forces a nostrum upon him, tending to protract the disease; but the vigor of the patient's constitution, with good air, resists the malady and the medicine, and he is restored to health; when the quack asserts, with unblushing confidence, that he performed the cure: so, with the aforesaid political doctors; they found the English nation in possession of certain sound principles in her institutions; and the folly of her neighbors, and certain accidental occurrences, were op-

erating to her advantage; but the political doctors were impatient, and very anxious for fame; and so they prescribe and dose; and although their doses were deleterious, they were not sufficient to defeat the force of the causes which were operating favorably; and England has become rich and powerful in despite of the folly of some of her statesmen.

The advocates for this bill are entirely mistaken in supposing that the other nations of Europe have not resorted to this selfish, restrictive system of regulations. Spain has pursued this policy, and has fallen in the scale of nations; France has not risen by it; Prussia has not become rich, although she has applied the system, under the strong hand of the Great Frederick.

The friends of this bill have boasted that prices have not advanced under the tariff of 1816. This is easily accounted for; they have been kept from advancing, by the very low prices in Europe and India. The tariff, high as it is, has not enabled the manufacturers to sell as high as they desire; they are limited to present prices by the law and threatened competition. The prices of the years 1813 and 1814, is a good commentary upon this matter—they will show at what point the manufacturers would stop.

He said, the gentleman from Kentucky, (Mr. WOODSON,) had put expectation upon tiptoe, by the promise of presenting many prominent facts; but he thought, after hearing him, that there was a small mistake. It seemed that the opinions and speculations of those whom he (Mr. WOODSON) was pleased to call master spirits, must have been considered by him as equivalent to important facts.

The same gentleman had said, that we ought to pursue the policy of this bill as a preparation for war; and he had given a very fervid account of the distresses of the volunteers in the years 1812 and 1813. He said that occurrence was too singular in its circumstances to form the basis of a regular system of policy; and that facts attended it calculated to destroy the conclusions which had been drawn from it. It is true, in point of fact, that we declared war in 1812 without making any thing like due preparations for it, after a course of events, for more than three years, strongly tending to destroy our pecuniary resources; it is also true, that a large portion of the volunteers of Kentucky, in 1812, were ordered to rendezvous and march upon a very short notice, some of them not having more than two days' notice; that they were ordered to march in the latter part of the Summer of that year, and were not generally prepared for a Winter campaign, and consequently suffered much: yet such is the capacity of the country to struggle through emergencies of every kind, that the volunteers of Kentucky, through the exertions of males and females, and principally the latter, were clothed tolerably well, in the months of November and December of the same year. The fair conclusion, then, from this occurrence, with all its circumstances, is, that it is too singular in its character to be the foundation of its policy; it being one which we, by other means, ought to avert; and that the result proves clearly that, if a like event should again occur, there will be in the country a capacity to meet it without any detriment to the public interest, all things considered. The evidence presented, of devotion to the general weal, is worth all the suffering.

The same gentleman has told us that manufactures flourished well in Kentucky for a time. He (Mr. MONTGOMERY) said, his colleague ought to be better acquainted with that matter than him, as he lived nearer the site of the works alluded to. Although he professed not to have been intimately acquainted with the shops to which the gentleman referred, still he had, through the medium of report, heard something of the history of some two or three of them. Report said that a man by the name of Prentis had come to Lexington from one of the eastern States, and, by some sort of legerdermain, had acquired the control of a bank, which, before his connexion with it, had been well managed, was more than solvent, and in good credit; that he commenced manufacturing; used all the stock of the bank, and borrowed large sums of money from the people about him; and seemed to be for a while in so flourishing a condition, that a man would have been in some danger of being stoned, who would not have cried out, "Great is Prentis, of Yankee land." But the time for accounting came round; Mr. Prentis did not feel ready, and off he went, between two days, leaving his shops to be regulated by his creditors.

He said he believed that this notion of protecting American manufactures has been very popular in many places in Kentucky. Many of the Kentuckians have very active and vigorous imaginations. With the mind's eye, they behold Birminghams, Sheffields, and Manchesters, rising up to consume the corn and pork of the country. These, he believed, will be found to be "but towns of the mind;" and he believed, also, that the good people of Kentucky would soon ascertain that it would require a higher per centum to protect the Kentucky manufactures from the competition of those of the Eastern States, than is necessary to protect those of the Eastern States from the rivalship of the British. The eastern manufactures have the advantage of excellent machinery now in operation; larger capitals; labor more abundant, and cheaper; superior water power; raw materials about the same price generally, but cotton cheaper; and a strong dependence on the part of the hands to remain with their employers.

He said that it seemed to him that the manufacturers of woollen and cotton cloths appeared before the nation with a very ill grace, to demand the passage of this bill. They commenced their operations during the long embargo, and had the benefit of that measure; they had been favored by the measures of non-importation and non-intercourse; they had been exempted from taxation during the late war, whilst others were highly taxed; they had, also, the advantage of excessive duties during the war, and pushed their prices to the utmost extreme; and they had been favored by high duties, from the year 1816, down to this time. During all this period, the commerce, navigation, agriculture, and handicraft trades of

the country, had been struggling with difficulties of various kinds: commercial restrictions, war, taxes, and the increased competition of foreign nations, arising out of the return of peace in Europe. Under this view, it would seem they ought to "cease their troubling."

But it has been emphatically asked, what we shall do? The answer to the question is plain: foster the Navy, causing it to increase with the growth of the nation; complete the fortification of a few of the most important points on the coast; and, with these means, render the citizens secure against the violence of all without the country. Cause the laws, respecting the internal peace of the nation, to be faithfully executed, so as to render the people secure in the enjoyment of their liberty, lives, and property, in so far as these matters are dependent upon national legislation. Maintain a proper organization of courts, filled with able, firm, upright men; so that the citizens of the several States may have no cause of complaint, of the mal-administration of justice, founded upon the bias of neighborhood feeling. Pay off the national debt, with all convenient speed, and leave the greater part of the schemes for internal improvement to posterity, when the lower price of labor will favor them, and when more will exist to be benefited by them. If these things are wisely managed, the people may well be left to choose their occupations, without the application of any sort of stimulus by mere legislation.

He said, that he believed his pecuniary interest in this matter was very small; and he thought he could truly make the same remark with respect to the people of the district of country which he represented, and in the region of country adjacent. He could say, with truth and much pleasure, that they manufactured much for themselves; yes, the wives are not ashamed to spin for their husbands and children; nor would the sisters feel that they were disgraced in doing the same for their brothers. It is true they have not advanced so far toward the highest point of dandy refinement as some others; and perhaps some gentlemen would be unwilling to represent such a people; but, for his part, he felt much pride in representing them: they are capable of understanding the rights of their country, and of feeling its injuries; but he hoped they would feel unwilling to enter upon a crusade to foreign lands, for a name; they were among those who distinguished themselves, and suffered in Dudley's defeat; they were distinguished in the victory at Moravian town in Canada; and they gloriously participated in the ever-to-be-remembered victory below New Orleans. He said, the people of whom he had spoke, are now in the happy midway point between unlettered ignorance and the sickly refinements of a very dense population, with the extremes of wealth and poverty; they are in the vigorous manhood of a people; they are at that point in a nation's history, in which there exists the happiest combination of mental and physical energy, and he felt no disposition to hasten them from it.

Mr. M. said, in conclusion, that there is no sound foundation for the many matters asserted in support of this bill; that it must produce a reduction of the revenue from duties; a necessity for other taxes, and increased prices; that, as it now stands, it is opposed to the National Constitution in its very letter; and, even with a change of title, it would be an act against the spirit of that instrument; that it is premature, unnecessary, and unjust; premature, in diverting capital and labor from other objects before the proper time for such diversion; unnecessary, because, when the proper time arrives, such diversion will occur without legislation; and unjust, because it will subject the balance of the community to the charge of making up by taxation the deficit in the revenue, and increase the prices of the articles proposed to be protected; that it may lead to an injurious use of foreign capital, by which foreigners may draw from this country thirty on some, and one hundred per centum on another portion of capital; that we would probably lose some of our foreign markets by its passage, upon which would follow a declension of industry; that it must, in the nature of things, lessen the number of our sailors to an alarming extent, and upon them depend our navigation and Navy; that it will hasten a change of character in the population of the country, which time, to be sure, will accomplish, but which is not to be desired more than old age; and that it will produce excessive accumulation of wealth in a few hands, unfriendly to the salutary existence of our Republican institutions. Having these views conscientiously, he felt decidedly opposed to the bill.

WEDNESDAY, February 12.

Mr. MCKIM, by leave of the House, presented a memorial of sundry merchants and shipmasters of the city of Baltimore, setting forth, that, in consequence of the inadequacy of the funds provided for the support of sick and disabled seamen, the hospital in that city has been discontinued, and that, thereby, this class of persons have been reduced to great distress and suffering, and praying that Congress will take the subject into their most serious consideration, and make further provision for the support of sick and disabled seamen, either by an increase of their monthly pay, or in such other manner as in the wisdom of Congress may seem meet; which memorial was referred to the Committee on Commerce.

Mr. PLUMER, of New Hampshire, from the Committee on the Judiciary, reported a bill concerning the jurisdiction of the courts of the United States; which was read twice, and committed to a Committee of the Whole.

Mr. PLUMER, from the same committee, reported a bill for the relief of Thomas Collins; which was read twice, and committed to a Committee of the Whole.

Mr. FULLER, from the committee to whom was referred the Message from the President of the United States, communicating certain documents in relation to the marine railway or inclined plane, invented by Captain John Rodgers, made a re-

port thereon, recommending the adoption of the following resolution:

Resolved, That the sum of fifty thousand dollars ought to be appropriated for the purpose of constructing a dock and wharves for building, repairing, and constructing, vessels of the United States, at the navy yard in the City of Washington.

The report was committed to the Committee of the Whole on the state of the Union to which is committed the bill making appropriations for the Navy of the United States during the year 1823.

Mr. Williams, of North Carolina, from the Committee of Claims, made a report on the petition of Stephen Brace, accompanied by a bill directing the Secretary of the Navy to pay to James Brace the allowance usually made to sailors in the service of the United States; which bill was read twice, and committed to a Committee of the Whole.

The resolution yesterday submitted by Mr. Cocke was called up, (which requires information of the President in relation to expenditures made during the year 1821 and 1822, out of the contingent fund of the Indian department;) when

Mr. Lincoln moved to amend the resolution (and stated his reasons for doing so) by striking from it the words "to whom paid, and when," and inserting the following: "also, what security 'is taken for the disbursement or application of 'money, goods, or labor, of persons charged with, 'or required to render the same for the benefit of 'Indians under the laws of the United States; 'and what rules and regulations have been adopt-'ed, and are now in force to produce economy 'and accountability in the disbursement of public 'money by Superintendents of Indian affairs and 'Indian agents, together with such rules and reg-'ulations as are now in force concerning trade 'and intercourse with the Indian tribes."

On the propriety of thus amending the resolution, a debate arose, in which Messrs. Lincoln, Cocke, McLane, and Metcalfe, participated.

The resolution, as modified, was then adopted.

On motion of Mr. Fuller, the petition of William Townsend, for pay for anchors, together with the report of the Secretary of the Navy thereon, dated the 8th instant, made to the Chairman of the Committee on Naval Affairs, was referred to the Committee on Naval Affairs.

The bill from the Senate, entitled "An act to divide the State of South Carolina into two judicial districts," was read the third time, and passed as amended.

The bill from the Senate, entitled "An act for the relief of Samuel Buel," was read the third time, and passed.

Bills from the Senate, of the following titles, to wit:

1st. An act to revive and continue in force the seventh section of an act, entitled "An act supplementary to the several acts for the adjustment of land claims in the State of Louisiana," approved the 11th of May, 1820, and for other purposes;

2d. An act directing the payment of the Georgia militia claims for services rendered during the years 1792, 1793, and 1794; were severally read the first and second time, and referred, the first to the Committee on the Public Lands, and the second to the Committee on Military Affairs.

A message from the Senate informed the House thut the Senate have passed a bill, entitled "An act to regulate the commercial intercourse between the United States and certain British colonial ports;" also, a bill, entitled "An act for the relief of Eleanor Lawrence;" in which bills they ask the concurrence of this House.

EDUCATION FUND.

Mr. White, of Vermont, submitted the following resolution, to wit:

Resolved, That the Committee of Ways and Means be instructed to inquire into the expediency of appropriating and setting apart a moiety or portion of the avails of the annual sales of the public lands for the purpose of establishing a permanent increasing fund, the interest of which, after it shall have increased to a given sum, shall be distributed for the promotion of education in the several States, according to the principles of equal right and justice.

After the resolution was read, Mr. W. rose and asked the indulgence of the House, for a moments, whilst he should present his views of the importance of the subject-matter of the resolution.

Of all the subjects worthy the consideration of a republican government, said Mr. W., education is of the first and highest importance. Education is to the republican body politic what vital air is to the natural body—necessary to its very existence—without which it would sicken, droop, and die. Education ought to be here considered in its broadest sense, as not only embracing literary and scientific, but political, moral, and religious instruction. On education, viewed in this light, depends all that is good and great, magnanimous and praiseworthy, in the human character, and essentially important to the social state of man. The republican institutions of this country are bottomed on the virtue and intelligence of the people; and on the maintenance and preservation of that foundation will their perpetuity depend. Let the great body of the people be well informed, and their moral character preserved, and they will know and understand their rights and privileges. A correct moral principle will always prompt them to a faithful performance of civil and social duties, which will inevitably insure the enjoyment of those rights and privileges. Our wise and virtuous predecessors have always had respect to the importance of education to a free people; and in fixing the conditions of admission of new States into the Union, they have wisely provided that a portion of the public lands should be set apart for the promotion of education in those States. Is it not sincerely to be hoped that those who have the power at the present day will follow their example—go on in perfecting the good work—and will deal out equal and exact justice to all? How far the old States, or those for whose benefit, for the purposes of education, the National Government have not made appropriations of lands, have a

superior claim to the new, or those for whose benefit such appropriations have been made, I will not now pretend to say. But this, Mr. Speaker, I will say, that, in my humble opinion, the National Government could not do a wiser act than now to set apart a portion of the avails of the annual sales of the public lands for the establishment of a permanent fund for the promotion of education in the several States, according to the principles of justice and equity.

As a matter of policy, education is the first great national interest, to which a republican Government ought to lend their support. Keep the great body of the people virtuous and well informed, and the penal laws on your statute book will, in a great measure, become obsolete and a dead letter—corporeal punishment will scarcely be known in your land. It is certainly safer and easier, by the seasonable administration of gentle preventives, to ward off a disease from the natural body, than to be compelled to eradicate the disorder, when introduced, and seated in the system. So with the body politic, it is safer, wiser, and less expensive, by good and wholesome regulations, to preserve the virtue and intelligence of the people, and thereby prevent the introduction of crime and moral disease, than, when they are once introduced, to be compelled to use harsh and severe measures to root them out. One hundred dollars, judiciously laid out, in the education of youth, would go further in the maintenance and support of a free Government, and in promoting the prosperity and happiness of the people, than thousands expended in enacting criminal codes, establishing courts of judicature, jails, and penitentiaries, without education. District schoolhouses, parish churches, and other edifices dedicated to the sacred purposes of education, if sufficiently multiplied through the country, and suitably furnished with enlightened, moral, and religious teachers, will render useless and harmless, courthouses, jails, and penitentiaries—those necessary public nuisances, and infringements upon the natural rights of man. It is certainly better policy to take precautionary measures, to make and keep men honest, than to be compelled to use coercive measures, to reclaim them, when they shall have become rogues. The former, if seasonably attended to, is easy—the latter is difficult, if not impracticable. All public laws for the government of a free and enlightened people, ought to be so framed, as to afford the least possible inducement to the subjects of those laws to evade their provisions. And the fewer and more simple those laws the better, provided they be sufficient to secure to all the enjoyment of their just rights. In this country, government was not established for the benefit and aggrandizement of a few, to the oppression and degradation of the many, as is the case in most other countries; but for the promotion of the prosperity and happiness of all. The musty, stale, and pernicious doctrines, of the divine right of sovereigns, and privileged orders, in society, have, in this country, in theory, been long since exploded, and it is high time they were wholly so, in practice. The Government of this country, sir, must depend upon, and will be regulated by, public opinion, or the sentiments of the people. Whilst they are virtuous and enlightened, all is well—but should they become ignorant, and their moral sense depraved, all is gone. It would not be possible for the Government of this country to establish, and successfully maintain, any course of measures, however wise and salutary, contrary to the sentiments of the great body of the people. Hence, the necessity of general information and the diffusion of correct moral sentiments, throughout all classes of the community. Here, the people are the legitimate source of all power and authority. Hence, the necessity of preserving the *purity* of that fountain, that the streams that flow therefrom may be *pure*. "Vox populi vox Dei," is a true maxim, when applied to a virtuous and enlightened people, and when their expression flows from a fair and deliberate consideration of the subject-matter of such expression; but when applied to an ignorant and depraved people, it is false and dangerous in the extreme. It may be said, sir, that the Constitution is the will of the people, fairly expressed, by which the Government are bound to abide; be it so; but, should the great body of the people become ignorant and corrupt, they might, by Constitutional provisions, deface the brightest features, and annul and revoke the surest guarantees of that sacred instrument—all, all depends on the virtue and intelligence of the people.

A free press, whilst regulated by the sentiments of a virtuous and enlightened community, it proves itself the herald of truth and correct information, is of vital importance; but, when depending on the sentiments of an ignorant, corrupt, and vitiated people, it becomes licentious, it is of all curses the worst. When in the hands of base and unprincipled men, it is wielded as an engine, to prostrate and destroy the fair character and usefulness of the wise and virtuous, and on their ruins to raise the corrupt and unprincipled to power; every thing dear to society is put in jeopardy. A virtuous and enlightened people will always give a right direction to national industry. Drones, if any there be, will be driven out, and never permitted to sip and fatten upon the sweets, the legitimate products of the industry of the nation. Much has been said, on former occasions, with respect to the enemies of this country. Ignorance and vice, sir, are the natural enemies of this and every other Republic on earth; let these with their mother, idleness, together with their cousins-german, profusion and extravagance, be expelled your borders, and fortify the minds of all your citizens with knowledge and virtue—these are the legitimate fortifications of a Republic. I say, sir, with those natural enemies expelled, and with these fortifications established, though all the powers on earth combined might assail, they could not prevail against you. Knowledge and virtue, generally diffused throughout all classes of community, will preserve, in its purity, the elective franchise—a virtuous and enlightened people, uninfluenced by any improper excitement, will uniformly select their wisest and best men for office.

Much has been said and written by great and good men, with respect to the importance of the people of this country forming a national character. The military and naval character of this country, I trust, is now not a whit behind the chiefest; and a general diffusion of knowledge and virtue would soon add a moral and a literary character to this nation, more uniform and glorious than ever adorned any nation of ancient or modern date. Knowledge and virtue may be considered, sir, as the solid resources of the nation; they will provide for the payment of your public debt, and will sustain every expense compatible with the honor, dignity, prosperity, and happiness of the nation. These, sir, are treasures with which millions, nay, with which all the riches of Potosi and all the treasures of Golconda will not bear a comparison.

Finally, sir, virtue and intelligence are the two great pillars on which rests your republican edifice, the ark of your political safety, which was projected by superior wisdom, and erected by the purest patriotism, the materials of which were bought with the choicest blood that ever besprinkled the altar of liberty; and unless, sir, these pillars are constantly kept well propped and guarded, your fair fabric which stands without a parallel in the history of nations, and the admiration of the civilized world, will totter, fall, and crumble to ruins. The importance of the subject is leading me too far. But, sir, if the view taken of the importance of education be correct, it is a subject on which this Legislature ought to dwell, and well consider. Although, considering the present state of the national resources, it might not be wise and politic to appropriate a sum of money for the purposes of education, I do contend, sir, that it would be wise and expedient in the way proposed, to lay the foundation for the establishment of a permanent fund, for the promotion of so all-important an object.

An expression of this kind, by the National Government, would add weight and importance to the subject. It would encourage the State governments to increase their endeavors, and to persevere in their laudable exertions for the promotion of education, within their respective jurisdictions. Although education is a subject which the National Government will not undertake to control, nor will they interfere with the State governments in regulating the same—yet it is of such vital importance, so intimately connected with the national welfare, that the National Government ought to be liberal, and the first to contribute to its support. There is no weight in the argument, that an appropriation of this kind would be a breach of good faith, because the avails of the sales of public lands already stand pledged by the Government to their creditors—the Government are, and I trust will be, with common prudence and economy, abundantly able to meet all their engagements, to the entire satisfaction of every creditor. The objections to the propositions contained in the Maryland resolutions, which have been recommended by the Legislatures of sundry States, of which number the State which I have the honor, in part, to represent, is one—are, by the proposition contained in the resolution under consideration, principally removed. The older States cannot, certainly, have any reasonable objection to the adoption of this proposition, and the new States ought not to complain, for they have already been liberally provided for; but should it be considered right and just, that they also should be included with the older States, in participating the bounty contemplated, let the distribution be made, all things taken into view, according to the principles of equal right and justice. Equal right and justice, sir, is all that the high-minded, independent Green Mountaineers, will either ask or wish. And, with equal right and justice, none ought to be dissatisfied. The representatives of this extensive and growing Republic will not, in considering this, or any other subject, be influenced by a narrow contracted policy, nor by local prejudices, but inspired by generous, liberal, and noble sentiments, will act with enlarged and extended views—will lay a permanent foundation for the establishment of those liberal and useful institutions, whose benefits are not limited by the confines of the present generation, but are calculated to promote the best interests, the prosperity, and happiness, of generations and ages for centuries to come.

Mr. Chambers moved to commit the resolution to a Committee of the whole House.

Mr. Nelson, of Maryland, then rose, and stated that, owing to the similitude of this to the resolution he had offered at the last session, it was due to the friends of that proposition to mention the reasons why he had not attempted to call it up at this session. Indisposition, Mr. N. said, connected with other circumstances, which he could not control, had prevented him from taking this step, until the subject which now occupied the attention of the House (the manufacturing bill) was brought up, which subject, he knew, the friends to it were unwilling to forego, to consider his resolutions. He would be happy, he said, under other circumstances, to have moved for its consideration, that he might have had an opportunity of delivering his views of the subject.

Mr. McCoy then moved that the resolution lie on the table; which was agreed to.

THE NEW TARIFF BILL.

The House again resumed, in Committee of the Whole, the unfinished business of yesterday—being a bill for the more effectual protection and encouragement of domestic manufactures. A motion to strike from the bill its enacting clause still pending before the Committee—

Mr. Montgomery resumed and concluded the speech he yesterday commenced in opposition to the principles of the bill, which is given entire in preceding pages.

Mr. Reid, of Georgia, said, he disclaimed all feelings in hostility to that portion of the Union to which the success of manufactures is most important; and although, said he, this bill proposes to support a system unfriendly, as it is believed, to the best interests of my constituents, yet, if it

were of great public utility, it should meet my cordial advocacy. I am sure that the people of Georgia would not disapprove my conduct, because they are always ready to sacrifice their convenience to the national good. When I perceive, however, Mr. Chairman, that the bill is in direct violation of the plain principles of Government; that it finds no sanction in the Constitution of my country; that it invades individual rights; that it adopts a policy and promotes a system offensive to two great classes of this community; and when it is manifest that the protection it would afford to manufactures is doubtful and experimental,—I am irresistibly urged to raise my voice, however feeble, against it. It is true, I cannot expect to be heard. I have no new argument, no attractive arrangement, to offer to the Committee. I would only perform a duty to those whose servant I am, and whose rights I have always endeavored to support and to maintain. If I shall urge arguments to which you have before listened, I hope to find my apology in the fact that much of the debate has escaped me, in consequence of a necessary absence from the House.

It is a political principle—the first learned by the school-boy—that each individual in society gives up a portion of his liberty, to the end that he may be protected in the enjoyment of that remaining to him. There is, however, a condition which accompanies this grant. It is this: that the power yielded by each shall be used for the benefit of the whole. Any deviation from this rule would be unjust and oppressive; because, as no citizen can expect to himself all the advantages of delegated power, so he cannot believe that they will be bestowed upon two or three, or indeed upon any but the greater portion of the community. It was obviously the intention then of the American people, when they gave to their Representatives the power to make laws, that those laws should never be framed for the benefit of the few at the expense of the many. Will it not be interesting to inquire if the bill before us contemplates a general or a partial legislation? If, when passed into a law, it will be useful to the nation or a majority of the nation, the zeal of its friends is not misdirected, and it ought to be warmly supported; but, if it will prove mischievous to the majority, and beneficial only to a minority, it ought to be abandoned. If its tendency be doubtful, it should not find favor with this House; because experiments in politics are, like quack medicines, to be avoided, unless the case is so desperate—the patient so far gone—that any change must be for the better. Under the guidance of these principles, which will not be controverted, let us further investigate our subject.

Look, Mr. Chairman, at the title of the bill. There is nothing equivocal in its language; it is a bill for the encouragement of manufactures. The candor and fairness with which the committee, whence this bill proceeds, thus avow their object, cannot be too much praised. Heretofore, we have been told of "the improvement of national wealth," "the protection of national industry," and "the increase of revenue." These imposing and high sounding phrases are not yet abandoned, but they are used only as conserves to sweeten the nauseous drug. The pill is not gilded; we see and know what it is. The bill wears a complexion bold and natural. There is no mask to be taken away; no artificial aids to be removed that we may arrive at its deformed and ferocious visage. It is naked and unadorned, and looks directly to the interests of the manufacturers. And who are these manufacturers? The very name by which they are distinguished from the rest of society indicates industry and frugality. Who, then, are these who, after vainly endeavoring to assist themselves, call upon Hercules for help? Are they, indeed, honest and industrious workmen, who, under this Government—which hangs with a feathery lightness upon the people, imposing no taxes and few restraints of any kind—cannot decently support themselves and their families? If it be so, while we deplore their abject fate, and our hearts melt, if you please, into sympathy for their sufferings, let us still cling to the dictates of a sober judgment, and ask ourselves one or two plain questions. Let us not, borne away by an amiable weakness, afford a relief, the recollection of which may, in time to come, strew thorns upon our pillows. Are the manufacturers the majority of this people? It is admitted that they form but a small portion of the population of the United States. Can, then, relief be afforded to them consistently with the general good, and the principles of the Constitution? Let us examine their case.

Suppose that a band of distressed weavers—I intend no invidious allusion, but am only making an effort at familiar illustration—were to apply to you for a grant of money annually from your treasury for their support. What answer would you make? You would say that you could not comply with their request; that the public money was not placed in your hands to be distributed in charitable donations; that, if the Treasury were once to be unlocked to prayers of distress, the "open sesame" would be in the mouth of every one whose afflictions deprived him of ordinary comforts. If, then, they ask you to oblige their fellow-citizens, the merchants and agriculturists to contribute to their relief, since you cannot give them money from the public coffers, you would indignantly refuse so unreasonable an entreaty. You would assure them that you have no power over the pockets of these persons but for the support of Government; that it would be most unjust legislation to coerce men to be charitable contrary to their wishes; that the appeal, if necessary, must be personal and direct, and not in the imposing character of an act of Congress. If, at length, hanging upon your skirts with the grasp of a bull-dog, they tell you that they are industrious and poor; that they cannot bring the goods they fabricate to market in competition with foreigners, and they desire you to impose a high duty upon importations that the consumers may be obliged to buy their goods at an advanced rate, would your answer differ from those already given? I think not. You would say to them—you but vary your

proposition; the effect is the same. We cannot give the public treasure, because it belongs to us to be bestowed only upon certain specified purposes, of which this is not one. We cannot oblige others to relieve you, because, as we cannot take money from the Treasury, so we cannot from our constituents, to be lavished upon other than legitimate objects. We cannot produce to you an extravagant price for your goods by the imposition of high duties, because it is plain we should do that indirectly which it would be improper to do directly. The difference in the price of your goods before and after the operation of the increased duty would be so much of the money of the people taken from them and gratuitously transferred to you. I leave it to the Committee to make the application of the supposed case. But, it is apparent, if the principles avowed be correct, that this bill, which is for the benefit of manufacturers, should not be tolerated. It is at variance with the best interests of the merchant and agriculturist; and, indeed, it can be shown, with those of the manufacturer himself.

I think the *admissions* of the chairman of the Committee of Manufactures, (Mr. TOD,) have put this matter at rest. He said that the manufacturers are numerically less than the other portion of the community, and added, that a duty upon an article imported, operated an increase of price to the consumer. These are evident and simple truths which nobody would venture to deny; but take them in connexion, and as admitted by the advocates of this policy, and they give birth to an *inference* "strong as proof of holy writ," and fatal to the whole system.

I have given, sir, some reflection to the Constitutional objection, urged with so much ability, the other day, by the gentleman from Virginia, (Mr. SMYTH;) and, although I was at first doubtful if it could be relied on, I am now persuaded that it is not the least formidable obstacle over which this bill must march to its success. A bill, whose object is to improve the revenue, or to regulate commerce, must ever be unexceptionable—a bill to encourage manufactures, and whose effect is to destroy commerce, may well be objected to on the ground of unconstitutionality. By the Constitution of the United States, art. 1, sec. 8, power is given to Congress "to lay and collect taxes, duties, imposts, and excises, to pay the debts, and provide for the common defence and general welfare of the United States." Now, will it be pretended that this bill, which contemplates an additional impost, is intended to produce, in any way, the extinguishment of the public debt? No, sir; it would be folly to believe it. Is its object, then, to provide for the common defence and general welfare? So far from improving our defences, it breaks down, by the policy it supports, the best defence we have—the Navy! So far from promoting the general welfare, we have seen that it will be productive of serious evils to the great body of the people. It is clear, then, that the authority for its enactment is not to be found in that part of the Constitution to which our attention has been directed. But it may be traced, perhaps, to the power "to regulate commerce with foreign nations." Is this, then, a bill for the regulation of commerce? The arguments of its advocates, the severity of its provisions, the avowed system to which it belongs, all assure us that, instead of regulating, it plots the destruction of commerce. But why should we go farther than its title and its origin, to prove that it has no Constitutional object in view? It is a bill, not from the Committee of Ways and Means, or from the Committee of Commerce, but from the Committee of Manufactures, for the encouragement of manufactures. "Out of its own mouth" I draw its condemnation. Where in the Constitution is the grant of power to foster manufactures? If gentlemen cannot find it, I ask in what way do we claim jurisdiction over this subject? The Constitution, indeed, uses a broad phraseology—"the general welfare." In the long lapse of time, changes may occur in the condition of this people, by which such a measure as the one under discussion may be brought within the meaning of these words, but it is impracticable to make, with any propriety, a present application of them.

Besides, a prohibitory bill (and this amounts to a prohibition of several of the articles enumerated) must always be in evasion of that part of the ninth section of the first article of the Constitution, which declares, "no tax or duty shall be laid on articles exported from any State;" for it is evident, that if you import, you will export also; and if you prohibit importations, do you not lessen or destroy your exports? In effect, you abridge that freedom which the Constitution allows to exports, and you burden them by high duties, precisely in the same way, as if you were to resort to excessive taxation. Cases may, indeed, occur, when the power to regulate commerce may proceed to prohibition, but these must be temporary and not lasting; when the intention and design is, as in the cases of embargo and non-intercourse—to bring foreign nations to a sense of justice; to produce reparation of the injuries inflicted upon us; to suspend commerce for a time, that it may recover its wonted vigor and activity.

It has been asserted, that the system to prop and support which this bill is intended, is favorable alike to the merchant and the cultivator of the soil. It is remarkable, if this be true, that the merchant and agriculturist are so blind as not to perceive the blessings about to be showered upon them with so prodigal a hand. Have you received petitions and memorials from these classes in favor of the passage of the bill? No, sir; you have heard only their remonstrances against it. It was but the other day that certain manufacturers of hemp desired, in the strongest terms, that you would not ruin them by your patronage. If the proposed measure is deprecated even by manufacturers, whom you profess directly to benefit; *a fortiori*, how much more unacceptable must it be to those, whose advantage is indirectly to be advanced.

The circumstances of the world have brought deep distress to our country; I know not what land has been exempt from the sternness of ad-

versity during the last six years. The manufacturers complain—they have not alone been afflicted. The merchant has suffered as much, perhaps more. The farmer too, has experienced the general calamity, but without murmuring, except at the protection and relief which you have been about to give to the two other classes, at his expense, in the shape of bankrupt laws and a high tariff. Believe me, if the prohibitory system is to be adopted, you have chosen the moment, of all others, the most inauspicious to him; and this bill is, if I mistake not, freighted with injuries, particularly to the Southern planter. He will be obliged to pay higher prices for his fabrics of cotton, hemp, and wool, and for the iron utensils of his farm, at a time when his crops are lying in barns or warehouses, scarcely commanding a sale at all; for, it is well known, that the price of cotton, since the year 1817, has undergone a ruinous depression. Already, the merchants of our cities complain that they cannot sell their merchandise; that the planter, after selling his cotton at reduced prices, returns to his home with the greater portion of his money, expending little, except for salt, sugar, tea, coffee, and iron, which are indispensably necessary to him. And yet, at this time, when he can scarcely get to market, you raise the price of foreign goods, and tell him it is done for his benefit.

Is it wonderful, if, instead of believing that you offer him a kindness, he suspects you of a taunting insult? What is it the prohibitory system can do for the planter? It obliges him not only to pay an extravagant price for goods, which, as has been shown, is a tax paid to the manufacturer; but, your revenue from commerce impaired or destroyed, you make him also pay for the support of Government. Thus is he doubly taxed, and yet all for his benefit! These blessings are, in your apprehension, curses, and we beseech you to suffer us to manage our capital, and pursue our happiness in our own way. In the words of the overgrown booby in the play, who shrunk from the bitter medicines his fond mother was continually cramming down his throat, under the pretence of preserving his health, we pray you "to let us and our good alone."

But is there not some danger, if the bill passes, that it will not make good its promises to the manufacturer? The raw material of this country is, more or less, in the possession of every man. Will not the farmer, then, with a snail-like instinctiveness, retire to his own dwelling, and fabricate for himself, rather than approach your factories, and be subject to their exactions? What he makes may be coarse, or of bad quality; but what of that? He will forget the elegancies and comforts of life, and think only of its necessaries; while he looks abroad upon the wreck of commerce, he will exultingly ask

> "What riches give us, let us then inquire?
> Meat, fire, and clothes—what more? Meat, clothes, and fire!"

Be assured that the restrictive system, instead of being co-equal only with your boundaries, and operating alone the exclusion of foreign commerce, may be brought to the fire-side of every tiller of the soil. He will resort to his fields, his garden, his pastures, his looms, for the supply of his wants, and the splendid manufacturing establishments, which have sunk to decay, must still remain dilapidated, forlorn, and unregenerate—the haunt of owls and the den of foxes! Some enthusiasts may exult in this prospect, and may call "independent" the condition of that man who feeds on vegetables—wears skins or coarse garments, and because his interests do not call him to mingle with society, becomes surly and morose. It may be so; but, to my mind, such a state of being is at war with all social feelings—it is misanthropy itself.

Agriculture is to be benefited! I wish the gentlemen who have held this language had deigned to be a little more explicit, and told us how this incomprehensible prophecy is to be accomplished. You take from agriculture her money and her labor, and bestow them upon manufactures; the forest no longer bows before the axe, and the laborer forsakes the field and the plough for the shuttle and the loom; but the interests of agriculture are promoted in an eminent degree! I confess my understanding is impenetrable to such an argument. I cannot see how it is, that, while you subtract from agriculture her active agents and her wealth, you are doing her an essential service; that, while you are draining her life-blood, you are confirming the vigor of her health.

The honorable Chairman of the Committee of Manufactures (Mr. TOD) has discovered that the abundance of raw materials in our country indicates the necessity of betaking ourselves to manufactures. The argument is by no means conclusive. Suppose, Mr. Chairman, that your own lands contain great quantities of iron ore, and that they lie in the neighborhood of an iron factory, owned by another, the machinery of which is in the greatest possible perfection, and from which you can obtain whatever you may need, at a cheaper rate than, with your means, you could manufacture your iron ore. Would you not permit your treasure still to slumber in the bowels of the earth, and avail yourself of the industry and capital of your neighbor? If every prudent consideration would dictate such a course, I ask, if the gentleman's argument is not answered? But, admit the principle for which the gentleman contends, it is one which may be resorted to successfully in favor of the great interest of agriculture, at once the parent and benefactor of society. Have you not the most extensive tracts of country, where primeval forests still spread their gigantic shadows? Are there not savages within your limits who have never yet looked upon the face of a white man, whose borders have not to this hour been invaded by the foot of your citizens? Have you not extensive prairies, where the herds of elk and buffalo are almost concealed by the luxuriant herbage springing from the most fertile soil? And does not the possession of these vast uncultivated wilds speak strongly the necessity of encouraging agriculture? Long, sir, may it be our policy!

Long may our freemen trace the furrow and turn the glebe; for "the cultivator of his own lands is really a master, and more independent of all the world than any other occupation can make him." Far distant be the time when the denseness of our population and the occupation of our lands shall press us into cities and manufacturing establishments! Look at the youth who is trained to agricultural employments! He pursues his business in the open air, cheered by the early songs of birds, and inhaling health in the breeze of the morning! His labors are moderate, his slumbers sound and unbroken. Compare him—his virtues, his strength of mind and limb—with the poor being who breathes the vitiated atmosphere of a manufactory, whose toils are incessant, who is surrounded by ignorance and vice, from whose senses the loveliness of nature is shut out, and in its stead are substituted the noise and clank of machinery, huge masses of wrought and rude materials. Make this comparison, with unbiassed judgment, and then tell me, if we should desire our people to become a manufacturing people?

Sir, I shall be told that I place upon my canvass sombre colors, which destroy the resemblance of my picture to real life; that the artisans of the United States are frugal, honest, industrious, virtuous. Be it so; it must be so; for the assertion comes from the lips of gentlemen in whose sincerity and experience I have unlimited confidence. Let it be remembered, however, that here the prevailing employments of agriculture and commerce temper and subdue the harmful effects of manufacturing labor. I am ready to admit that the workmen in the factories of this country are not so depraved as those of States further advanced in this wretched policy. But, adopt this bill, urge the system to its extent, and you will find that the vices, which are inseparable from such a state of society as you will produce, will flourish with detestable luxuriance. As fens and marshes produce noxious exhalations prejudicial to life, so manufactories generate vices and diseases, destructive at once of intellectual and physical vigor. I do not speak without authority; and I call the attention of the House, for a moment, to one or two extracts, upon this subject, from the Letters of Espriella. The work is English, and its author possessed all the means of forming a correct opinion. His testimony will not be disputed, although I allow that his deviations in politics are not as much to be excused as his eccentricities in poetry. He is speaking of the manufacturing system:

"In consequence of herding together such numbers of both sexes, who are utterly uninstructed in the commonest principles of religion and morality, they are as debauched and profligate as human beings under the influence of such circumstances must inevitably be; the men drunken, the women dissolute; however high the wages they earn, they are too improvident ever to lay by for a time of need; and, although the parish is not at the expense of maintaining them when children, it has to provide for them in disease induced by their mode of life, and in premature debility and old age." Again: "They are deprived in childhood of all instruction and all enjoyment; of the sports in which childhood instinctively indulges, of fresh air by day, and of natural sleep by night. They die of diseases induced by unremitting task work,* by confinement in the impure atmosphere of crowded rooms, by the particles of metallic or vegetable dust they are continually inhaling; or they live to grow up without decency, without comfort, and without hope; without morals, without religion, and without shame, and bring forth slaves like themselves, to tread in the same path of misery. Necessity is the mother of crimes; new prisons are built; new punishments enacted; but the poor become year after year more numerous, more miserable, and more depraved; and this is the inevitable tendency of the manufacturing system."

The Committee will pardon me for having read what is already known to every one, and has been often resorted to. These passages, however, seem to me to bear so entirely upon the question, that I could not resist the temptation to introduce them. If, then, the brilliancy of your system shall entice European manufacturers to your establishments, what an exchange do you make! Instead of the comforts and elegances of life; instead of that growing intelligence which commerce produces and diffuses, you import a motley crowd of vices in the characters and examples of these foreign laborers.

The bill proposes high duties upon the manufactures of hemp and wool, which are most necessary to the poor. I am sorry for it; because, in this country, where property is more equally distributed, perhaps, than in any other, there is a sympathy towards poverty that must be roused and tortured by any attempt to increase the necessary expenses of the poor man, or to wring from him his hard earnings for any other purpose than that of promoting the public good. If we must raise the tariff, let us cast about for luxuries; for those things which are not wanted by the indigent, and which they are accustomed to do without. Let us resort to the purses of the wealthy and the proud; but do not, I beseech you, curtail the enjoyments of the poor, and take the few lingering cents from their already wasted pockets.

It is admitted by the gentleman from Pennsylvania, (Mr. Buchanan,) that woollens should be stricken from the bill, because, said he, we have it not in our power to supply this vast continent at present. May not the same reason apply to the omission of several other articles in the bill, particularly to hemp and linens? I ask the gentleman to test the several items by its principle, and then to inform us how much of the whole bill will remain.

We are told by the Chairman of the Committee of Manufactures that we have given for the last two years an immense sum for woollens, cottons, hemp, and its manufactures, iron, lead, and glass, the materials of which are inexhaustible in our own country; which sum of upwards of fifty-five millions he is pleased to consider a tribute paid to foreign nations. I am ready to adopt the

* The manufacturers of Sheffield, Birmingham, and Manchester, labor from fourteen to seventeen hours in the day.

maxim, "millions for defence, but not a cent for tribute." But I would ask the honorable gentleman if the manufacturer pays a tribute to the merchant when he exchanges his bale of cloth for groceries or goods; if the merchant pays tribute when he exchanges his commodities for the production of the farmer; if the farmer pays tribute when he yields the fruits of his labor or his money in return for merchandise, more valuable than either, received from the manufacturer or merchant? Sir, what is called a "tribute" is nothing more than the regular course of commerce. If we could purchase to our advantage at home we would do so; as we cannot, we buy from foreign countries; and, although we may obtain goods, the price paid for which is immense, let it always be remembered, that we give "what we want less, for what we want more." The gentleman's long list of figures only proves, then, that we have obtained from abroad what is more valuable to us than the articles exported; that we get these things more cheaply than we could get them at home; that the disasters of the times have not deprived us of our capacity to import—of our energy—of our commercial enterprise.

It is insisted that the grain-growers will be benefited by an increase of the tariff, because, we are informed, manufactures will create a demand for grain. How is this? The same persons, it seems, who are now scattered over the country, and consume the grain, will be collected in manufactories. The place of the consumer, then, is only changed; the consumption must remain the same. But the competition in producing grain will be less, and, consequently, the profits greater. To this it may be replied, so long as lands may be easily obtained, so long as there is a capacity to produce grain at a profit, there will be people enough engaged in this branch of industry to prevent the extravagant emoluments which are expected from the encouragement of manufactures. Besides, if labor-saving machinery be generally introduced, the factories will require fewer hands, and the greater proportion of the consumers of grain will remain where they now are.

After considering most of the arguments which have been used to convince or reconcile the friends of agriculture to this bill, I am brought to this conclusion—it is one, I believe, wholly adverse to the proposed measure—that the greatest blessing of a free citizen is to be permitted to produce within himself what he shall need, at the least possible expense, and to procure, in the same manner, what he cannot produce. Thus, he will be enabled to supply the reasonable wants of himself and his family, and to support the Government of his choice.

The wishes of our constituents—I say *our* constituents, because I believe that each individual among us is charged with the interests of this whole people, and we have all sworn to support the Constitution, and the Constitution was adopted for the "promotion of the general welfare"—the wishes of our constituents should have great influence over us. I am not altogether prepared to waver the right of instruction, but when the opinions of the people are known, they should meet our utmost respect and attention. I venture, then, to assert, that a majority of the people of the United States are unfriendly to this measure; because I cannot believe or conceive that a bill offensive to that majority can be approved by it. If you pass the bill in contradiction to the will of the people what are you to expect? Do you remember that the resistance to taxation produced the Revolution? Sir, I make no threat; I have no idea of a bloody opposition from any quarter; but I may be permitted to predict that if this measure obtains there will be a revolution—not in our form of Government, but in its administration; not consummated by fire and sword, but by the force of public opinion. We who employ ourselves in this place in forging fetters for the people shall sit here no longer. No Administration can embrace the prohibitory system and retain its popularity.

I have heard it gravely remarked that the bill is intended to prosper commerce and increase revenue, and that it only indirectly protects manufactures. I should have stronger faith in the assertion if the project had come from the Committee on Commerce, or of Ways and Means. But the whole language of the bill leads to a different result, and, indeed, it is apparent that the system it is intended to support, and which has heretofore been, and will hereafter be urged in greater extent, is opposed both to commerce and to an increase of revenue. If you go on step by step, as you have done, in the encouragement of manufactures, it is evident that you will weaken commerce in proportion as you give strength to manufactures. If you supply your wants at a home market you will not resort to a foreign mart, and you cannot expect other nations to covet your exports when you erect a barrier against theirs. You may cause manufactures to flourish, but you will plant them upon the ruins of commerce, and of revenue derived from it, upon which this Government has hitherto mainly relied for its support. It is a political maxim that light imposts improve revenue; heavy duties diminish it. All history and experience prove this truth, and it is therefore out of the question that an ample revenue from imports and a high tariff can exist together. You might as well expect to unite fire and water in harmony. Your revenue destroyed, to what will you resort? The Government must be sustained—to what sources will you apply? The alternative is before you, and a dreadful one it is. You must incur a debt which shall hang with the weight of a millstone around the necks of the people, or you must resort to excises—excises, at the bare mention of which your citizens start, shudder, and grow pale! But one of the most deplorable consequences of a high tariff is the practice of smuggling—an evil greater than the plagues by which the Monarch of the hardened heart was visited. It filches from the Treasury that which the law allows to it, lessens the profits of the fair trader, and it will deprive the manufacturer himself of the blessings of his favorite system. It depraves the moral sense, inculcates disobedience to the

laws, destroys patriotism, and diminishes the confidence with which every good citizen loves to repose upon the Government by which he is protected. This mother of all abominations is fostered and protected by this scheme, which we are called upon this day to advance by our votes. This is not all. A consequence which must flow from these restraints upon commerce, and which we ought earnestly to consider, is the destruction of our Navy. If commerce be destroyed wherefore should we have a Navy? No, sir; we may order our vessels into port; determined to live within ourselves, we shall have no intercourse with foreign nations. We shall, indeed, save the expenses of our present Naval Establishment, but I fear we shall lose much more than we gain. Our gallant vessels of war, recalled from every sea, will shrink into gunboats; our proud merchantmen into miserable bay craft. Our sailors, whose superior skill and courage have been the admiration of the world, will sink into the inertness of a coasting trade, or, forgetful of glory, to obtain a precarious subsistence, consort with smugglers. Our naval commanders, their "march" no longer "on the mountain wave," their "home" no more "upon the deep," will retire to your shores, and, looking wistfully upon the wide ocean, will lament that their

"Battered hulks"
"Can't be rigg'd out for sea once more."

We have heard it said that something is due to manufactures, because the nation has done so much for commerce. Not so. Commerce has done every thing for herself; she has furnished her own capital, her own laborers; she pays her own expenses, and does not require any portion of the community to be taxed for her benefit. And what if you have sometimes expended your blood and treasure in defence of "free trade and sailors' rights?" you but afford protection to that commerce by which your Government is supported; which produces for you markets abroad, and is the foe of monopoly and scarcity at home; that commerce which is at once your "safeguard and your sweet honor." May we not, Mr. Chairman, conclude, from what has been said, that, if the bill passes, we lessen the profits of agriculture and commerce—we diminish the revenue—we doubly tax the people—we injure the public morals—we place ourselves, bound hand and foot, in the power of the manufacturer?

The distresses and embarrassments under which the country has labored, are attributed to the present state of the tariff, by the influence of which, it is said, we have imported extravagantly—the balance of trade is against us, and we are burdened with debt. Now, the inconveniences which all classes have suffered, have arisen, not from excessive importations alone, but from a combination of various causes. An universal peace, which increased the capacity to produce beyond the demand every where; the particular effect of peace upon our own country, which brought an influx of foreign goods to our markets, to the injury of many manufactories that had grown up and thriven in a state of war; the avarice of importers, who grasped at more than they could accomplish, and thus increased the supply in our country beyond the demand; the establishment of banks, and the depreciation of a paper currency, by whose extravagant emission the whole land was inundated; the efforts of the nation to establish its paper medium upon a metallic basis; these, and many other causes, some of which, perhaps, lie so deep as not yet to have been discovered, have certainly produced much individual distress, and a foreign debt, which I am far from thinking as formidable as gentlemen suppose. The honorable member from New York, (Mr. CAMBRELENG, to whom I would, as the representative of an agricultural and commercial people, tender thanks for his active opposition to this measure, and the system it abets,) and the Secretary of the Treasury, have shown how little reliance is to be placed upon the custom-house returns, to prove the balance of trade to be against us. Indeed it sometimes happens that the apparent excess of imports over exports, is a proof that our commerce is prosperous; that we obtain that which is greater in value from that which is less in value. But I forbear; this part of the subject has been lucidly explained by a gentleman from Kentucky, who preceded me in the debate, (Mr. MONTGOMERY.) Let us admit, for a moment, that excessive importations have produced the evils before mentioned. There is one consolation remaining to us. These evils are temporary. They will effect their own cure; there is no necessity to abandon our system. Men are governed by their interests, and they are quick to perceive, and sedulous to pursue them. If the merchant has imported too largely, he will import less. The farmer who has bought beyond his means, will curtail his purchases. The manufacturer who finds himself sinking money, will seek some other channel into which he may profitably direct his capital. Thus, by a slow process, but surely, in the exercise of economy and prudence, we shall extricate ourselves from the labyrinths in which we have wandered, and regain the broad and open highway of prosperity.

Demand and supply, if let alone, will regulate each other. But fancy that the wishes of our opponents are realized; and let us ask if it be true that we are to enjoy the happiness promised to us? Because commerce is confined to ourselves, is it, therefore, to be free from fluctuations and embarrassments? Are our people to become wise, and prudent, and virtuous, because you exact a prohibition of foreign goods? Will our farmers cease to make bad bargains; our merchants to overtrade; our manufacturers to vest capital in branches of industry, whose profits may not be commensurate with their expectations? Sir, we suffer our impatience of ill, and our hopes of better things, to delude us. The passions of men may be in some measure subdued by legislation, but you cannot destroy them.

Pass the bill, and I ask gentlemen, according to their own arguments, what will it avail them? You tell us, that, when the additional duty is imposed, the price of the manufacture is enhanced;

but, you say, only for a time. To prove your position true, you point us to the case of coarse cotton goods. There was, we are informed, a terrible clamor when this duty was first proposed; the distress of the poor was predicted; the duty was condemned as prohibitory in its character; the manufacturer was declared to be benefited at the expense of every body else; when, lo! after the duty had produced its full effect, coarse cottons, of better fabric than those formerly imported, were to be had at a rate infinitely cheaper than their cost when the duty was applied. Now, without looking for the true causes of the diminution in price of this article, and which have been developed satisfactorily by others, I will take the case as it is put, and desire to know how the manufacturer is to be benefited, if the same effect is produced upon every article the importation of which is prohibited? You tell us that foreigners undersell you, and ask us to enable you so to sell as to pay you for your labor and the use of your capital. We agree. You arrange the tariff as you please. The price of manufactures advances; but soon it falls, and you are able to sell for less than the price of the imported article before the duty was advanced. Is not this result ruinous? When you cannot at this moment compete with the foreigner, how happens it that, in a short time, you will be able to undersell him, at a reduction of 50 or 90 per cent.? Believe me, Mr. Chairman, if, by the influence of competition, the prices of manufactures shall fall, Congress will still be wearied with petitions to encourage home industry. I here take occasion to remark, that Mr. Hamilton, an authority much relied upon, was of opinion that bounties should be highest at first, and, whenever any branch of industry long required them, it was a proof that it ought not to be persevered in.

May it not be well to consider, for the sake of the manufacturers themselves, if public opinion will not force you to retrace your steps, and to repeal any law you may pass upon this subject? If you enact an extravagant tariff, it will doubtless be to the interest of many to withdraw from other pursuits, and seek wealth by manufacturing. But the public voice censures the measure, and destroys the law! The same consequences then will ensue that followed the war. Again your factories will tumble into ruins, and the hopes of their framers vanish like the visions of the night.

Before we are required to pass this act, gentlemen should make out their case. They should show us that the distresses of the manufacturers exceed those of the rest of the community, and that our assistance is necessary to their success. For every decayed manufacturer, I will show you a merchant who is bankrupt, or a planter who is impoverished. I will respond to you "sigh for sigh, and groan for groan." If you declare that the aid of Government is essential, I point to the flourishing factory at Waltham, and that is my answer! Indeed, it is admitted that manufactures have advanced rapidly to importance during the last thirty years; and the gentleman from New Jersey, (Mr. HOLCOMBE,) with whose eloquence I confess I was delighted, assured us that some of our goods are competing with foreign goods in foreign markets, contrary to the most sanguine expectations entertained but nine years ago. Upon what, then, does the claim to your patronage rest? What is the cause of the ill success of those who have failed in a business which is acknowledged to be profitable? A single expression from the gentleman from Pennsylvania (Mr. BUCHANAN) gives me the ready answer to these questions. He tells us it is melancholy to pass through a certain portion of his State, where convenient locations and raw materials abound, and yet the factories are decayed and ruinous! He admits, nevertheless, that certain manufacturers have succeeded. Who are they? Men possessed of skill and capital. Who are those who do not succeed, and who implore your aid? Men who have neither skill nor capital. Can you render them the assistance they need? You cannot. You have not capital to give them. You cannot dissipate the languor of sloth by which they are spell-bound.

A gentleman from South Carolina, now no more, upon whose bier the tears of this nation have fallen, who deeply reflected upon this subject, as he did upon every other, declared, upon this floor, that the United States paid more, in proportion to our income, in support of manufactures, than any other nation upon earth.

I beg leave to quote, for the benefit of those who are devoted to the restrictive policy, a single sentence from the pen of Dr. Franklin: "The 'most of the statutes, acts, edicts, arrets, and pla-'cards of Parliaments, Princes, and States, for 'regulating and directing and restraining trade, 'have, we think, been either political blunders or 'jobs obtained by artful men for private advan-'tage, under pretence of public good."

We are told of the prosperity of European nations who encourage manufactures. Sir, whatever that prosperity may be, and to whatsoever causes owing, gentlemen can scarcely be serious, when they compare their Governments with ours, the prosperity and happiness of their subjects and our citizens. Their institutions may be fair and beautiful in the distant prospect; yet, like the apples on the Dead Sea shore, they are lovely to the eye, but dust and bitterness to the taste. Their splendid monuments, extensive armies and navies, their gilded palaces, and lofty columns, may dazzle the sight and delight the imagination, but they conceal from the view, care, penury, corruption, and taxation, upon the necessaries of life! Yes, sir, taxation upon the necessaries of life, which has been said, with perfect justice, to be a "curse equal to the barrenness of the soil and the inclemency of the heavens."

When Mr. REID had concluded—

Mr. CRUDUP, of North Carolina, said, before the vote is taken upon this question, he must beg the indulgence of the Committee, whilst he made a few remarks upon the subject. I promise them (said Mr. C.) that I will not be lengthy, for I am apprized that their patience must be already considerably exhausted, and that it will be with the

greatest reluctance that they yield their attention to any further observations upon the subject. And I am also apprized of the impracticability of saying scarcely any thing upon the subject, without treading upon ground which has been previously occupied by those who have gone before me. And I greatly despair, after so much has been said, of giving it that interest to which it is so justly entitled. But I am opposed to the bill, and hope I shall not be considered obtrusive in stating some of the principal objections, which I have to its passage. In doing which, I shall study as much brevity as may be consistent with perspicuity. And I would not presume to think for a moment, that, at this protracted period of the debate, I shall be able to shed any new light upon the subject. The highest object which I can hope to attain, will be, to offer, in my own way, a summary of the view which I have taken of the subject; which, whilst it may be considered as a justification of the vote which I shall give upon the question, it may serve also to show my willingness, at least, to add my mite against any measure, which I am persuaded will have deleterious effects, or may be calculated to operate peculiarly oppressive, not only upon my immediate constituents, but upon a large and respectable portion of that community, which I have the honor in part to represent. And the only apology which I am disposed to offer for troubling the Committee upon this occasion, is, the wide range of discussion which the bill has assumed; the high and general interest which it has excited; and the acknowledged importance of its character. And since it is the first time, that I have been able to get my own consent to take any part in the debate upon this floor, I flatter myself that I shall meet with the most liberal indulgence from the Committee and from the Chair. Should I, however, in the course of the few remarks which I am about to make, deviate, in any very considerable degree, from the parliamentary rules of debate, I shall submit with perfect acquiescence and great pleasure to the corrections of the Chair, or any member of the Committee.

The bill, Mr. C. said, has been introduced with great ingenuity, and presented before us in a very imposing attitude. As a preface to its introduction, an alarm has been loudly sounded in our ears—that the balance of trade is against us; that we are consequently tending, as rapidly as the wheels of time can move, to national bankruptcy; and that, unless we divert our course, we shall soon plunge into the vortex of irretrievable ruin. But that, if we will only pass the bill now urged upon us, by so many weighty considerations, that we shall not only escape the impending evil, but that great practical good will be the result—that our revenue will be increased, agriculture and commerce promoted, employment given to surplus hands, and funds, which lie inactive in our country; and finally, that permanent security and stability will be given to our independence, particularly in time of war. These are important, interesting, and desirable objects. And could I be assured that the picture, which has been drawn in such glowing colors, was true, it should have my most cordial, though feeble support. But so long as it remains a matter of mere opinion or speculation, unsustained by cogent reasoning or conclusive argument, I must exercise the privilege to think for myself, and be permitted to say, that the calculation to me appears, at least, extremely doubtful. In fact, the slight attention which I have paid to the subject, has brought my mind to an entirely different conclusion from that formed by the advocates of the bill. And notwithstanding the *onus probandi* falls upon them, we take it upon ourselves to show, that the greater probability is on our side of the question. We think that they have failed to sustain a single position which they have assumed. And let us, said Mr. C., for a moment attend to the grounds taken in support of the bill; and

1st. That the balance of trade is against us.

How do gentlemen ascertain this fact? By the custom-house documents? They are not sufficient evidence to warrant such a conclusion. They give us correct accounts only of the importations; but do not, nor cannot, give us correct returns of the exportations. If they were to be relied upon as conclusive evidence upon this subject, it would appear that the nation has always imported, in value, more than it has exported. And, supposing this to be the fact, what would be the inference? That the resources of the nation were inexhaustible—a supposition which involves the greatest obscurity. Whilst the custom-house documents, on the one hand, give us full accounts of the *importations*, on the other hand, they give very imperfect accounts of the *exportations*. To the account of the exportations, should be added the freight of all the importations and exportations made in American vessels, (which includes nearly the whole of both;) the value of foreign articles imported in vessels engaged in the trade of the Northwest coast and Pacific ocean; the proceeds of the labor and enterprise of those concerned therein; and the same additions to the invoice value of exports, as are required by law to be made of the imports. After a statement of these facts (for a confirmation of which I refer gentlemen to the annual report of the Secretary of the Treasury, laid upon our tables at the commencement of the present session) I conclude that the uniform prosperity of the nation is *prima facie* evidence that the balance of trade is in our favor. To be sure, there has been a great depression in the commercial world, which has been felt in every part of the body politic; but it has been only the *reaction* of that mental excitement which was occasioned by the wars in Europe and America, and which, upon the ratification of peace, run into a speculating maniaism. This depression, I say, is only the consequence which would naturally follow such a course of things; and which (if uninterrupted) will gradually regulate itself. But it can derive no assistance from the bill now before us.

2d. But it is said that it will increase the revenue.

The friends of the bill, to bring themselves to this conclusion, must take for granted that which we think too improbable to be admitted. It can

hardly be presumed that the same amount of importations will be kept up, after increasing the duties as contemplated by this bill. The greater probability is, that it will amount to a total prohibition of many articles, and reduce the quantity imported of many others, perhaps of all, and thereby greatly diminish the revenue. It will encourage smuggling, So great is the love of money, that men will risk for it life, liberty, and reputation. This is exemplified in the piracies and slave trade, which are carried on under the most awful responsibilities. It will certainly retard the sales and reduce the price of the public lands, a source of considerable revenue to the country. So that the argument, that it will increase the revenue, appears to me to be forced, far-fetched, and untenable. And it is too apparent to be mistaken, that the converse of that proposition is true.

3d. But it is said that it will promote agriculture and commerce. I should like, Mr. Chairman, to know in what way? Will it insure higher prices for produce, and reduce the necessary articles of merchandise? I should think that it would have entirely a different effect. By doing away foreign competition, it will give rise to extortion. And the high prices demanded for woollen cloths, during the last war, (when the candor of the proprietors compelled them to acknowledge that they could afford them much lower,) justifies such a conclusion. It may draw off a few laborers from tilling the soil; the most honorable, though not the most honored,) the most independent, the most healthful, and the most happy of all employments, and thereby retard the progress of agriculture. It may also draw off sailors from the irregularity, the anxiety, and the unhappiness of a seafaring life, and fix them in factories; but, by this, it will rather impede than facilitate the course of commerce; so that I conclude, that it may clog and injure, but cannot promote either agriculture or commerce.

4th. But, it is also said, that it will give employment to surplus funds and hands which lie inactive in our country. With regard to surplus funds, I would ask, whether there be no objects of speculation in which men of capital may profitably employ their money? None, Mr. Chairman, we presume, so profitable as manufacturing establishments would be, upon the passage of this bill; but I should be very unwilling to gratify their avarice to the manifest injury of so large a portion of our fellow-citizens. And again, I would ask, sir, if there be so much surplus money in the country, how gentlemen will account for it, in accordance with the argument, that the balance of trade is against us, and that we are tending to national bankruptcy? This has been the language for many years, and yet they tell us that there are surplus funds in the country; and, with regard to the surplus hands spoken of, I would say, that, if there be any idle, it must arise from an indolent disposition, and not a want of inducement to labor. Do the American people want inducements to labor? They have inducements enough in the profits and pleasures of agriculture, commerce, the mechanical employments, the pursuits of science, and those high and honorable professions which are open to all. We have no hereditary emoluments or titles of honor in this country; and I say it with peculiar pleasure, that the young man of genius and application, (no matter how humble his birth,) may aspire to even the Executive chair.

5th. But, lastly, it is said, that it is necessary to give security and stability to our independence, particularly in time of war.

Should this, Mr. Chairman, be correct, it can only be in a very small degree; and I am persuaded that the injury, which a large majority of the community would sustain by the passage of the bill, would more than counterbalance any good which might result from it, even should another war occur. No, sir, the only safe reliance, in time of war, must be placed in the patriotism of our fellow-citizens, who are willing, upon all necessary occasions, to sacrifice their lives upon the altar of liberty. Witness the privations and sufferings they endured in the Revolutionary and late war with Great Britain. We struggled through these bloody scenes without these manufacturing establishments, and I presume that we should do as well under similar trials. Not that I am opposed to manufactures—I am greatly in favor of them; but I wish them to support themselves, and not to be promoted at the expense of agriculture and commerce.

Upon the whole, Mr. Chairman, as a nation, I think we are doing very well. But it would seem that gentlemen wish us, by the adoption of this measure, to do better. And to this, I think an anecdote which I have heard, may appropriately be applied. An Italian physician directed this epitaph to be inscribed upon his tomb, that "he was well, but wished to be better, took medicine, and died."

But, sir, I am opposed to the design of the bill, because it is intended for the benefit of the few and not the many; and these few, too, not the poor, (who should always be especially regarded in legislation,) but the rich—men of capital. I am opposed to the principle of the bill, because it is anti-republican. Free trade is essential to our liberty; but we are about to change it for restriction, which is characteristic of monarchy, and should never be introduced into our system of legislation but with the greatest precaution. To the probable effects of the bill I have many objections, but shall mention only a few. It will bear unequally hard upon a large portion of the community—upon the Southern and Western States, particularly the cotton makers and tobacco planters. It will produce a fluctuation in the prices of articles of agriculture and commerce, and be a shock upon both not far short of an embargo; and the country is not in a situation, at present, to sustain this shock. It will be an indirect tax, which, by diminishing the revenue, I fear will soon be followed with the necessity of a direct tax.

In every country there is some main interest, which it will be the policy of the legislative power to pursue, to promote, and cherish. In England, a small island in the midst of the ocean,

containing about 170 inhabitants to each square mile, this interest is manufactures and commerce. The British nation has long since seen and pursued it with an undeviating course, and hence they have become so famous for both. But, Mr. Chairman, what is the main interest of America? Manufactures? No. Commerce? No. But Agriculture. And the extent of our territory, the fertility of our soil, the salubrity and adaptation of our climate to the productions of the earth, render it but too obvious to be mistaken that this is our main interest. Let us then never clog, but facilitate its progress with all our energy. And we may look forward, with pleasing anticipation, to the time when "the desert shall literally become a fruitful field, and the wilderness shall flourish and blossom as the rose." Commerce is certainly a very convenient and useful handmaid to agriculture, and may, therefore, be regarded in that point of view. And so manufactures may become. But let them first establish their claim to this special regard, and they will no doubt receive it. With these few simple remarks, sir, I conclude, by expressing my sanguine hope that the motion to strike out the enacting clause will prevail.

When Mr. CRUDUP had finished—

The question, on striking out the enacting clause, was loudly called for.

Mr. VAN WYCK, however, obtained the floor; but, at the suggestion of Mr. EDWARDS, of North Carolina, he gave way to a motion for the Committee to rise; which motion was negatived—ayes 63, noes 82. Mr. VAN WYCK then proceeded in his speech in favor of the bill, as follows: He observed that it was with much difficulty he had summoned resolution to offer his feeble views to the Committee. From the great sensibility expressed on this question, he did not know but it would have been prudent in him to have left the subject to others of stronger nerves than he possessed.

He, however, observed, that it was not his intention to increase this excitement. I shall, said he, Mr. Chairman, only endeavor to prove, that it is not the object of the friends of this measure, as the gentleman from Georgia (Mr. TATTNALL) apprehends, to take from one citizen of the United States, violently and fraudulently, his property, and give it to another. But I shall merely endeavor to show, that it is now time to protect our Northern citizens from an unequal and an unfair competition in our own markets from foreigners. From those foreigners who never have, nor never will, participate with them in theirs, unless compelled from necessity, or directed by interest.

I shall also endeavor to prove that the doctrine of resistance, advanced the other day by the gentleman from Massachusetts, (Mr. GORHAM,) was, the least you could say of it, unreasonable and ungrateful. Because, sir, there is no new principle contained in this bill. It is nothing more than an extension of the same system of protection that was so promptly afforded to our merchants and planters immediately after the organization of this Government. To those merchants whom that gentleman now represents, and to those planters whom he wished to excite.

It is with surprise, Mr. Chairman, that I now, for the first time, have heard Constitutional objections to this question; and, sir, what increases that surprise not a little, is, its coming from sections of the country, from whence they were the first to come here in sackcloth, and upon their marrow-bones, to implore its adoption. [Here Mr. VAN WYCK was called to order by Mr. RHEA. When no infringement of the rules could be shown by Mr. RHEA, Mr. VAN WYCK was again permitted to proceed.] When he observed that he had no intention of violating the rules of the House, nor lessening the decorum that should be observed, and was happy to find that that violation only existed in the highly stimulated imagination of the gentleman from Tennessee. With leave, then, Mr. Chairman, may I now be permitted to inquire of the gentleman from Georgia, (Mr. CUTHBERT,) who made these Constitutional objections, why they were not discovered and made known in 1789, when a duty of three cents a pound was laid on cotton, throwing the culture of that article into his own hands? May I also be permitted to inquire of the gentleman from Massachusetts, (Mr. GORHAM,) who made the same objections, why these were not discovered and made known in 1789, when a high tonnage duty was laid on foreign vessels, excluding them from your shores? And may I also be permitted to inquire of that gentleman, too, why these Constitutional objections were not made in 1790, when the discriminating duties were laid on goods imported in foreign vessels, throwing almost the whole of that branch of industry into the hands of those merchants he represents?

Mr. Chairman, whilst we listen to the song of the syren, we should cautiously avoid the monster. Whilst I am constrained to admire the eloquence, ingenuity, and zeal of those gentlemen, may I be permitted to caution this House to stand back from a chasm, into which it may fall, if it receives and acknowledges premises so false.

I have said, sir, that I shall only endeavor to prove this. It will, sir, only be an endeavor. For I have not the faintest impression, that any observations I may make, will change a single vote. It is for this, and from its importance, and the variety of opinions entertained respecting it, that I feel disposed to offer a few reasons, however feeble they may be, that shall govern my vote in its decision. As delicately situated, sir, on this subject, as the President of the United States may have been, yet, at the opening of this session, he was sufficiently explicit. Nothing more to expect from his country than the celebrity he may acquire from the good effects of his administration, we may, therefore, I think, venture to attach some weight to his opinion.

But, sir, independent of that—this question, abstractedly considered, has never, for a single moment, left a doubt on my mind. Taken, however, in the ordinary way, freighted with all the opin-

ions and views of the different writers and theorists on this subject, it is not a matter of wonder, that so many of our best statesmen should recede from each other, as they progress in debate. Divest it of all this; let it be taken up as a prudent housekeeper, or the father of a family would a subject relating to his own concerns, and we cannot miss the way. For it is simply a question that regards the economy of the nation; and a nation thus situated, is but a family guided by its head; or a family with its head, is the same as a nation directed by its government, in miniature.

If then, there is this similarity between the management of a family, and the economy of a nation, this question may be much simplified. All these theoretical visions may be laid aside, and every practical man may venture to reflect, and form an opinion. In this he will be brought to the following conclusion: That the same cause which occasions the rise and fall of different families in the same society, will produce the same effect in different nations where intercourse is unrestrained by commercial laws; and he will find, too, that that cause may almost wholly be attributed to the different degrees of industry and economy, indolence, and profusion. Accident, good or bad fortune, comparatively, have no effect in these events. For, if a nation, however numerous, was cut off from communicating with all other nations, and every family and individual in that nation were alike industrious and economical, their relative wealth would forever remain the same. All the casualties they would be liable to, the loss of crops by a blight, or any other accidental occurrence, would scarcely be perceptible.

But, sir, if you will only let the ordinary course of things operate, plant the industrious and frugal, promiscuously, amongst the indolent and profuse, not a generation would pass before there would be almost a total revolution in the wealth of the families composing that nation. Hence the words *good* and *bad fortune* might profitably be stricken out of the American language. Instead of going to work and economising, we, from a misconception of their powers, stand and look for some favorable event—perhaps for another European war.

It is true, nature has been extremely bountiful. But it is equally true, that, in the distribution of her favors, she has left them, as it were, in a state of chaos. Our efforts and cares are, therefore, daily necessary; and it is, perhaps, in the proper exercise of these alone, that we are raised above the brutes, and distinguished from the savages.

If, then, an association of families be thus operated upon by these causes, we may, with safety, suppose, that the same effect would be produced in a community of nations where intercourse is not impeded by commercial regulations. Because, in such a state of things, the whole world, commercially, would be as one nation. And its wealth would readily be transferred from those countries that are the least industrious and frugal, to others of a different character. Nothing, sir, would prevent it. Since the general peace, this nation has been a striking illustration of this fact. For the slightest survey leaves not a doubt that, if those Governments with whom we communicate had no laws restraining our commerce, or that shut out the produce of this country, whether, with our present habits, we could compete with them. For, if we were as industrious now as we were previous to the French Revolution, which I am far from admitting, I presume no one will pretend to say that we are so frugal. If not, why should it any longer be a subject of wonder that we have thus been operated upon? Why should we seek abroad for an evil when the cause exists at home? Under such circumstances, sir, if all the European governments were to throw open their ports, receive and consume every kind of American produce as freely as we do theirs, all this would be of no avail without industry and economy. The same picture that is now exhibited in Spain, and from the same cause, and which their new Government is now endeavoring to correct, would be presented here; for it is manifest to every American traveller that the mass of the European population is much more industrious and economical than ours. As it is also observable how soon after their arrival in this country they not only gain a competency, but become independent. Many of them who have worked in your ditches, sawed wood at your doors, and carried the pack, now roll through your streets upon a wealth more solidly based than even that of the old inhabitants of the country. The industrious and frugal habits of the New Englanders, who are constantly rooting out their more southern and western neighbors, are compelled, in their turn, to yield to the persevering and rigid habits of those strangers. On my mind, sir, not a particle of doubt exists that, if those Governments were to reciprocate to us, giving us the same privilege of vending our produce in their markets, as we have ever extended to them in ours, this superiority of theirs alone would give them the ascendency.

Besides, sir, they have another important advantage. The value of labor on the articles we exchange with each other has no relative proportion. Theirs operate on ours as the lever does in mechanics. In peace, two men in Europe will, in any given time, manufacture more goods than can be paid for by the industry of three men in this country. It is said that one girl in Leghorn will keep ten men in America constantly employed to pay for the bonnets she can make. During the European wars, when American flour was admitted, and brought twelve or fifteen dollars a barrel in Bordeaux, Cadiz, or Liverpool, it was then judicious in this Government to keep up these interchanges. It was then good economy for us to send ambassadors, and to maintain residents abroad. The advantage was then decidedly in our favor. But at present, sir, and particularly as respects the Northern States, all this is wholly preposterous. We have nothing in those States, in time of peace, that can tally with their industry.

With these advantages, and with our present free trade, as it is most erroneously called by our merchants, or, in the more popular phrase, "a

trade left to regulate itself," they operate upon us precisely as the industrious, ingenious, and economical families do upon the rest of society. And yet, sir, these are the nations that our merchants, and the most of our statesmen, are willing to give the odds to in commerce. These are the nations against which even reciprocity itself, in time of peace, will be a doubtful barrier. And yet, sir, strange as it may seem, this advantage to be given them has been so repeatedly pressed upon this Government, and rung so loud and so long through the country, that it has become the popular theme of the nation. Pass where you will, and your ears are dinned with the sound of "free trade"—trade, on our part, "left to regulate itself;" or, as some of them more artfully express it, "rather than have no bread, we will accept of half a loaf." Rather than risk the privilege of carrying our cotton, tobacco, and a few of our staple articles to a good market, we will acquiesce. Rather than jeopardize this, we will submit, as if the European Governments were the sole depositories of our destiny.

With me, sir, our merchants are perfectly excusable. From men who wrangled with this Government previous to the late war because it would not permit them to pay a transit duty to Great Britain, more than this should not be looked for. But, when I hear their notes re-echoed from other sections of the country—from our independent and high-minded agricultural districts, I know not how to reconcile the cause. Men, whose immediate interest it is to have no other commerce than that based upon the most liberal interchanges, to enter so warmly into these measures, and particularly, too, when they are themselves living witnesses of their effects, is to me wholly unaccountable. There is not a grain-growing district in the United States, having forty miles land transportation, that has not depreciated more than one-half in value for the last eight years, and many of whose inhabitants are now totally ruined. And what deepens the shade of their prospect, is, that, so long as these measures are pursued, so long will their depressions continue. So long as we acquiesce, and permit foreign nations to prescribe to us, direct what our agriculturists shall rear for them, or what we shall consume of theirs—so long must we expect these vicissitudes, these depressions. The evil never can be remedied, until we assume the high and independent ground they have taken. If, with all the natural advantages they possess, they are still unwilling to open their ports, receive our vessels, and mutually exchange the products of our respective countries, it certainly becomes our duty to pause. If we dare not act promptly towards them; if we dare not mete to them their own measure, at least we ought to stop and consider. Look at the present attitude of Europe. Scarcely is there a nation left that has not adopted the same rule long pursued by England and France, of turning their attention internally, and supplying their own wants from their own soil, and from the industry, too, of that soldiery formerly otherwise engaged, and which we once had the advantage of feeding. One nation after another, in the strongest language their edicts can possibly express, have told us that they will no longer take our bread, meat, butter, cheese, hemp, flax, wool, soap, candles, &c., but will now endeavor to produce these themselves, when, at the same time, at every opening and every avenue on your seaboard, they continue to press in their dry goods, hardware, crockery, groceries, and fuel, as usual. And to induce this trade, when our money fails, (which must happen if we cannot sell,) they are willing to indulge us with long credits, secured with good paper, or with mortgages on unencumbered property. Well may the Northern, Eastern, and Western States be alarmed at this prospect. Well may they spontaneously rise, and with one voice declare against this odds, when they know it is unsafe for us to trade with those nations even on equal terms.

And well, too, may the Northern States object to this course, when the whole weight of this odds falls on them. For if you will strike a line about at the 38° of north latitude, the principal produce south of that line, such as tobacco, cotton, rice, and naval stores, are not only received in Europe, but sought for by those nations, whilst all the great agricultural staples north of that line are virtually prohibited. When we take into consideration, too, that south of the 38° of north latitude, there is only two-fifths of the whole population of the United States, and north of that line three-fifths. And for fifteen years, from 1803 to 1817, inclusive, there was exported from the United States, of domestic produce, $595,000,000, of which only $255,000,000 was from the Southern States, whilst the residue, $340,000,000 was from the Northern—giving until that period to the Northern farmers, an income equal to their territory, population, and wealth. But, sir, from that time, from 1817, the domestic exports from the Northern States have declined so rapidly, that, for the year 1820, they only amounted to one-third of the whole domestic exports of the country; and for the year 1821, they had fallen considerably short even of that. Whilst the agricultural produce of the South for that year, amounted to $27,449,836, that from the Northern States did not exceed $8,105,264. Can it then, I say, any longer be a subject of wonder, that the inhabitants of the Northern States should be dissatisfied with their prospects; whilst a Southern population of only two-fifths of the whole inhabitants of these States, shall receive an annual income of $27,000,000, the other three-fifths can barely obtain $8,000,000? Nor, sir, is this the worst; for from the extravagant habits this Northern population have acquired, from the high prices obtained for their produce during the European wars, a doubt cannot be entertained, but that they have consumed their full proportion of the immense quantity of goods imported since the peace of 1815. If so, we have at once the whole cause of their embarrassments. For since that time our imports have been $608,000,000, and our exports only $468,000,000; leaving a balance against the country of $160,000,000, to which may be added the exportation of nearly all that speci

which had been gradually accumulating for thirty years, and which had been considered as a part of the permanent capital of the country, together with about $40,000,000 of national and bank stock.

To have the whole of this weight, then, thrown upon about three-fifths of the population of these States, is it not enough, without seeking further for the cause of their distress? Take exactly the proportion of wealth from any single family, and you certainly must embarrass it. Nay, sir, let any family continue its ordinary expenditures for a few years, whilst it is deprived of two-thirds of its revenue, and ruin must ensue. As respects wealth, families, societies, and nations, under similar circumstances, are alike operated upon. To comment upon such a state of things is unnecessary. Indeed, the subject has already been so ably discussed by others, that it can receive no addition from me. And I shall therefore proceed, according to my own practical conception, to point out the remedy.

As I have already observed, if there was a perfect reciprocity, or if there was that free trade which our merchants say does exist between us and the European nations, with their habits of industry, skill, and economy, they would, I apprehend, if the world remained at peace for a series of years, very perceptibly draw from us our wealth. But, sir, however alarming even that may be, it is not the immediate disease that we are now particularly called on to cure. But the application, I hope, will produce that effect. It is something to counteract the effect of that studied policy of European Governments, in shutting out from their markets all the American products that they can possibly dispense with, whilst our ports are free from the reception of theirs. Whilst our laws and practices are based upon the most liberal construction of Adam Smith, one European nation after another has departed from his principles, and left us alone to practice towards them that liberality which they have ever been, and are to this day, so zealous in disseminating throughout these States. And, astonishing as it may appear, men glowing with all the ardor and enthusiasm of Americans on every other subject, are either blind to this disadvantage, or warmly opposed to any attempts at restoring an equilibrium. Wrapped up in some petty local interest; scarcely mindful of the great purposes for which these States were associated; apparently willing, if their own objects, however minute, can be served, that the other interests of the nation, however great, should be left to chance,—is it possible for us, under such circumstances, increasing as we are in territory and variety of interest, to strengthen in our attachment? In the great scale of national concerns, sectional interest and prejudices should forever yield. If three-fifths of these States are falling a prey to the skill, industry, and economy, of strangers—to European, Asiatic, and other nations—why not stop and lend them a hand? Is it because you are more apprehensive of their prosperity than of those whom you never saw but in arms against you? I make not these observations as an appeal to your feelings, for I well know that where interest predominates, sympathy can rarely be excited. It is to the understanding; it is to convince that we are sent here as the Representatives of the United States, and not of any particular portion of these States. Go back—examine the Constitution that binds us together, and the causes that produced that instrument, and then lay your finger upon that portion of it that teaches you that three-fifths of the agriculturists of these States shall be neglected, because the Southern planters apprehend (and it is nothing more than an apprehension) that the price of rice, cotton, tobacco, and naval stores, will be depressed. Point out to me that portion of that instrument that teaches us that the interest of the Northern farmers and artisans shall continue to be sapped, because a mere handful of merchants, confined to the home trade, wish to continue importing flax, hemp, wool, common woollen, linen, hempen and cotton goods, malt liquors, spirits, cheese, butter, potatoes, hides, tallow, iron, fuel, and a variety of other agricultural articles; or such, the raw materials of which may abundantly be produced in this country. It is not your sympathy, gentlemen, I claim; but to remind you who have uniformly opposed this question—that you have an important debt of gratitude to discharge. Have you, planters, forgotten that in 1789, when you petitioned and stated to this Government that the staples of your country—rice and indigo—were so reduced in prices as to be no longer worth cultivating? And has it escaped your recollections, that the Northern farmers and artisans cheerfully assented to increasing the duty on cotton, that you might change your husbandry? No, gentleman, it is not the pitiful boon of charity I ask; but the Northern agriculturists and artisans now call on you to cancel a debt which should never have been forgotten.

Nor, sir, can our merchants, confined to the home trade, and who are daily eating the bread produced from the profits of those goods they hourly vend to the farmer and the artisan, but have the thought constantly flitting over their minds, that no set of merchants, under any Government in the world, have been so highly favored as themselves. They never can forget that, in 1789, when this Government went into operation, how depressed and limited was their commerce. Their memories certainly must be less retentive on this than on any other subject, not to recollect that at that time the whole coasting and foreign intercourse trade were about equally divided between themselves and strangers; and that almost the first business of this Government was to put them in possession of the one, by a high tonnage duty on foreign vessels in 1789; and, by a discriminating duty on the goods imported in those vessels in 1790, they now enjoy nine-tenths of the other. Surely, too, so recent a favor as they have received from this Government, in its successful opposition to the English and French navigation laws, could not have escaped their notice. And, notwithstanding all these, can any of you planters, or you merchants, recollect of ever having met one of these Northern farmers or artisans

bawling through the country, that these laws, securing you against foreigners in your several occupations, were monopolies conferred? If not, pray, then, gentlemen, you who are so skilled in this science, point out to me the difference between securing you in your business against foreign industry, and those farmers and artisans in theirs. If you are so perfectly satisfied, pray come out, and draw the line, that I may discriminate. If all these favors granted to you are not monopolies, show me, then, why they are so when applied to farmers and artisans. As for myself, I am neither planter, farmer, merchant, nor manufacturer. I have only a common interest in the whole, and merely ask for information to give a correct vote, wishing to do it impartially. If you are to be the only favorites of this Government, and it is correct that you should be so, I should like to know why. On the score of patriotism, I believe the farmer, planter, and artisan, are about equal. But, why the merchant should ask and obtain exclusive favors, remains yet to be explained. It is true, there are many very honorable exceptions amongst them. But, whoever will take the trouble to trace the history of the great mass of the commercial inhabitants in the seaports, from the commencement of our difficulties in 1806, down to the close of the late war, will, I think, have no very favorable tale to relate. A more refractory set of beings, perhaps, never disgraced any country. And how they have so soon recovered their influence with this Government—nay, how they have acquired such an absolute ascendency, in so short a time, over public sentiment, baffles conjecture itself. Not content with being secured in their own pursuits against foreign industry; but, when the same protection is asked for the farmer and the artisan, the savage whoop of monopoly is heard from the centre to the very extremes of the nation. By them, the very meaning put upon the word "monopoly" by all writers is perverted. It is no longer applied to citizens or subjects of the same nation. And what aggravates this construction is, that, when the same act is applied to themselves, it is innocent. But, when turned to shield others, it is a monopoly. It creates a privileged order—a rank of nobility.

Mr. Chairman, as we are sent here to act impartially, to be moved by such inconsistencies will be acting worse than inconsistent ourselves. We shall be imputed unjust. Every citizen of these States has a right to demand at our hands that which we have extended to others. If we have compelled the European Governments to reciprocate to merchants, how are we to answer to our farmers and artisans for neglecting their interests? If we have protected the tobacco and cotton planters in their infancy, in the bud of their experiments, why not extend our cares still farther South? Why not shield the vintner, the sugar planter, the cultivator of coffee, and of the olive? Is it the momentary rise on the price of those articles you dread? What country can now afford rice, tobacco or cotton, lower than it is produced in the United States? What nation can now rival us in ship-building, and in commerce? From what country can we now import hats, shoes, boots, saddles, harness, carriages, and nails, equal to those produced in the United States, and at a less price? And though but a shrub of yesterday, who can lay his hand on his heart, and say, that he has ever bought cotton shirtings as cheap, quality considered, as are now produced from the American looms? These have all been brought into existence by the fostering care of the Government, and, as it were, too, by magic. Not thirty years ago, and we were dependent upon other nations for most of these; and, except our ship-building and commerce, every inch of these improvements has been contested by our own merchants. Scarcely has a century elapsed, since citizens of New York were in the habit of importing their bricks from Holland; and I verily believe, even to this day, they would have continued the practice, had not the accidental arrival of some enterprising Jersey men, with a cargo of that article, into one of their slips, have convinced them that there was tenacity sufficient in the American earth to produce them here.

Mr. Chairman, if this Government has been hitherto wavering on this subject, I hope we shall now take a firm stand, and treat all nations as they have treated us. Shut out from our ports every thing that we can possibly dispense with, or that can be produced by the joint efforts of our own agriculturists and artisans. The illiberality with which they have conducted towards us, justifies this measure. Notwithstanding we are the greatest consumers of British woollens, yet for the year ending January, 1821, that nation had imported 9,770,103 pounds of wool, and only 578 pounds of that was from the United States; and so discouraged now are our farmers, from the breaking up of our woollen factories, and from there being no vent for wool abroad, that they have suffered their flocks to dwindle down into an insignificant few. Only shut out from your ports, in a gradual manner, all wool in a raw state, and the most of the woollen goods, and your hills would be again animated with those harmless and productive animals. Tell our farmers that they may once more cultivate flax, hemp, barley, hops, and a variety of other articles to be manufactured in this country, and a beam of hope would again illumine their countenances. Adopt but these, and the balance will once more be thrown upon the opposite page of the custom-house books; adopt but these, and in a few years every thing may again be called by their proper names; the Secretary of the Treasury would no longer be necessitated as last year, to call the excess of specie exported, (the $2,413,169, which had for years been considered as much the permanent capital of the country as the soil upon which it rested)—he, I say, would no longer be necessitated, as last year, to call it foreign exports.

To many, sir, I know there is an insuperable objection to this system. It is considered that we have a large debt to discharge, and, if adopted, the revenue for that purpose, and the support of Government, must fail. To this I have only to

answer, that the expenses of this Government may be much reduced. It is what I was extremely desirous of effecting last session. Indeed, it is what ought to have been done at the close of the late war. If a reduction had then taken place, with the immense revenue we have received, our debt at this time would nearly have been extinguished. But, sir, if it is determined to continue the present expenses of the Government—if you will secure to the cotton manufacturers, distillers of spirit, and brewers of malt liquor, the home market—a moderate internal duty on their products alone would more than fill the void occasioned by the expulsion of such foreign goods as we can dispense with. By excluding all cotton goods, it is said we should then manufacture annually about 200,000,000 yards of that article. On common cotton goods, a duty of three cents per yard would give $6,000,000—20,000,000 gallons of spirits are now annually distilled—a duty of 20 cents a gallon would yield $4,000,000 more; and $2,000,000 might be collected from malt liquors. By confining it to these three articles, the expense in collecting would be less than that on the external duties, which, according to Pitkin, for nearly thirty years, averaged four-and-a-half per cent.

From some of my remarks, sir, it perhaps may be conjectured that I am inimical to commerce. Such, sir, is not the fact. To commerce I am extremely partial; but wish to have it so moulded as to suit the times. Like the commerce of every nation with whom we trade, ours should be so bent as to rebut theirs—so shaped as to encourage every branch of our own industry, so as to give the means to pay for that which we may purchase; for it is by industry that any thing can be procured. Our commerce then would be wholesome and solidly based. If this had been attended to eight years ago, there would have been no application for a bankrupt law last session—our national and bank stock would never have been pledged abroad for goods, which even the beggars and paupers of our own country might have produced. Our specie, too, might have been retained at home; and that debt which this neglect has saddled posterity with, would have been avoided. But our commerce as it is now, is so unnatural as to prostrate every thing before it! Even the merchants themselves, who have conducted it, have not escaped. The great quantity of goods imported in 1815 and 1816, instead of enriching that class of our citizens, as was expected, stripped them of nearly one half of their capitals: and from the slight excess of goods imported last year, or for the Spring of 1822, similar effects have been produced. If there is nothing in this country to back this commerce—to liquidate these goods as they arrive—if our imports year after year are to exceed our exports, this commerce that we continue to cherish for the purpose of raising a revenue, must become more and more precarious—consequently, this Government can be viewed in no other light than as accessary to the evils it may produce.

I shall now, sir, close, by remarking, that, as the agricultural interest is not particularly attended to in this bill, that I cannot give it my vote unless it is altered: for it is that interest I have ever considered as the chief, nay, the only security for our form of Government. Manufactures and commerce can only be viewed as auxiliaries to that interest, and as such should be supported. At present we have too much of commerce and too little of manufactures. The peace of Europe has disturbed our pursuits. When so great a portion of your customers, as all those countries, have ceased to take away our provisions, the necessaries of life, it becomes our duty, as the guardians of this nation, to encourage its citizens to supply that loss by economy and a partial change in its industry; to do with as few of the foreign comforts and luxuries as possible; and to make as many as they can in their own families, workshops, and factories. Such were the habits of our fathers previous to the French Revolution, and such must be ours, unless Europe should be thrown once more into a thirty years' war.

When Mr. VAN WYCK had concluded—

Mr. WOODCOCK being in possession of the floor, and wishing also to deliver his sentiments on the subject, said he would yield it only for the purpose of taking the main question, if that was the disposition of the House.

A suggestion being then made to Mr. W., to move that the Committee rise, he made a motion to that effect; and, on the question to agree thereto, it was decided in the negative—ayes 46, noes 79.

The Committee refusing to rise at this stage of the progress of the bill—

Mr. WOODCOCK went on with and concluded his speech, in support of the general principles of the bill, as follows:

Mr. W. said he should make no apology for addressing the Committee at this late hour of the debate. The bill is important to every section of our country, and the arguments advanced during its discussion, render it still more important and interesting. It is a bill to lay additional duties on various articles of foreign commerce.

The honorable Chairman who reported the bill, and who has so ably advocated its passage, has told us that it will increase your revenue, protect domestic manufactures, and promote national industry. Its opponents have urged, and with talents and ingenuity, which he regretted were not employed in a better cause, that, if we pass the bill, it will destroy your commerce—beggar your Treasury—injure your Navy—that its operation will be unjust and partial—that it is calculated to benefit the North and West and injure the South—that the manufacturer is to be protected at the expense of the farmer, planter, and merchant. Sir, said Mr. W., if either of the grounds taken by gentlemen, in opposition to the bill, were correct, it should not have his vote. Nay, he would go farther, and contend, inch by inch, to defeat its passage, and should his voice or his vote prevent a measure deprecated as being so odious in principle, and so destructive in its effects, he should consider it the proudest act of his life. But some gentlemen have gone further in their opposition,

and declared, should this bill pass, the South will never submit to it. Others have said, pass the bill and it will shake your Government to the centre—that its enforcement would be resisted—the ports of the South would be closed against the merchant of the North, and a system of smuggling would be carried on, and defeat its mischievous effects. Arguments like these may warm the blood, but never can convince the understanding. Such was not the language of that venerable body who aided in the achievement of your independence, and who met in 1789 to enact laws for the general welfare. The second act they passed has this memorable preamble. "Whereas it is necessary for the support of Government, for the discharge of the debts of the United States, and the encouragement and protection of manufactures, that duties be laid on goods, wares, and merchandise imported." This bill was passed at the commencement of your Government, by a Congress composed of statesmen, selected for their wisdom and patriotism, from every section of the Union. They declared, by the preamble to the act, that they contemplated as well the encouragement of manufactures, as the raising of money to pay the debts of the United States and for the support of Government. To the passage of that law, no objection was raised that it would be partial in its operation; no threats were made that one section of the Union would rebel, or that the ports of one State would be shut against the ships of others, and that the people would engage in smuggling rather than submit to a law which has been denounced as so odious in principle, and its effects so partial on different sections of the Union. No, sir, they were governed by other motives; they found the country in debt, contracted in the war for our independence, and of such magnitude that it required the wisdom and energy of those who were able to conduct their country gloriously through that war, to devise measures to restore to its natural vigor a bankrupt Treasury, and lay the foundation of a system which would pay the debts, support the Government, and protect manufactures; and let me, said Mr. W., ask the Committee, and those gentlemen from the South, who have said so much about resistance, and so much about the partial operation of this bill, and so much about "the let-us-alone system," to examine the bill to which he referred. Sir, they will find cotton and tobacco prominent items on which duties were laid. Were these articles selected for the purpose of raising revenue? No, sir; but to encourage the growth of those articles. The climate and soil of the South were propitious to their cultivation; they were the staple commodities of your Southern planter; and your Northern agriculturist and manufacturer were increased in their growth; their soil could not produce them, and could they have purchased them cheaper from the foreign importer? Sound policy, and the good of the nation, required that we should be independent of the foreign countries for an article which could be raised in our own, with so much advantage to the wealth and convenience of every class of the community. They legislated with a prophetic eye to the stability of the Union. Sectional feelings and local prejudices yielded to a love of country, and a devotion to our republican institutions. Had a different spirit found its way into their councils, this Congress would never have met. It was by that wise policy of protecting the interest of the various sections of our country, that its Government could be rendered permanent. They viewed the United States as a land embracing every clime—a soil as varied and fertile—and that the different sections, the North, the South, the East, and the West, were dependent on each other; and that an interchange of trade was the chain which would bind them together. And, said Mr. W., where is the statesman and patriot who would say to one section of this Union, Adopt measures, and pass laws, which will render that section independent of another. And, sir, the arguments which have been advanced in this hall would produce that effect. Shut your ports against your sister State—let Georgia say to Massachusetts, we will not receive your fish; and Massachusetts will say to Georgia, we will not receive your cotton. And he would ask the honorable gentlemen from those States, to reflect before they advanced such principles, which would lead to consequences the most mischievous and ruinous. And, sir, no other inference can be drawn, when gentlemen talk about shutting ports against sister States. No gentleman had a higher opinion of the talents and patriotism of the South than he had. It was manifested in the war of our independence; and on no occasion, since that war, does the history of the South justify a different conclusion. Mr. W. here remarked on the several revenue laws which had been passed since the act of 1789, to the present period, to prove, that the products of the South had not only been liberally protected, but that duties had been imposed which operated as a prohibition to the foreign importation of their staple commodities. Has the wool of the Northern and Middle States, and the hemp of the West, received the same protection? He would leave it to gentlemen opposed to this bill to answer. There had been no threats, while the farmer of the North looks in vain for a market for his wheat, his beef and his pork. And he who has sought your Western wilds, and converted your wilderness into a garden, and protected your frontier, (while the hemp which he raises will not pay for transportation to market, by reason of foreign importations, and his grain shares the same fate because there is no market,) he makes no complaint when he sees the more fortunate planter of the South protected by a prohibiting duty on the products of his industry. No, sir; they believe those duties are for the benefit of our common country; but they ask of us to do them justice—not to pass a law which will diminish your revenue, or distribute its favors partially, but a law which will give to them equal rights with their Southern neighbors, and render you more independent as a nation; more prosperous in peace; and better able to protect yourselves in war.

The next objection to this bill, (say the gentlemen,) is, that it will destroy your commerce and

injure your Navy. This objection has been urged by the gentleman from Massachusetts, (Mr. GORHAM,) with his usual ability; which, on most other subjects, produced conviction on his (Mr. W.'s) mind.

Mr. W. said he was a friend to commerce and the Navy; and that gentleman had failed to convince him that those effects would follow, which he had so eloquently described. Where, he asked, were those brave officers of your Navy who have shed a halo of glory on their country, and caused your flag to be respected, educated? Not on board of your merchant ships, or your fishing smacks. No, sir, it was on board of your armed vessels. There they were taught the first rudiments, to steer your vessels to victory—to fight, and to conquer. But, Mr. W. said, he did not believe this bill would injure either your Navy or commerce. The Secretary of the Treasury has recommended an increase of duties on most of the articles mentioned in the bill. And, surely, the operation will be to increase your revenue, it will not diminish your commerce. But, he would ask the gentleman, when he manifests so much sensibility on the subject of commerce, and representing that section of the Union which is the most commercial, what has been done for commerce? Sir, the first Congress protected commerce by a duty on tonnage; and every act for the collection of duties has aided that protection, by adding ten per cent. on all goods imported in foreign vessels.

But the gentleman has told us that the merchants pay your revenue, and support your Government. Sir, said Mr. W., the office of tax-gatherer is profitable to the merchant. They pay Government twenty per cent. and charge the consumer thirty per cent. No, sir; the consumer of your foreign fabrics pays revenue——

[Here the gentleman from Massachusetts (Mr. GORHAM) explained.]

Mr. W. thanked the gentleman for his explanation, but insisted that the argument was not changed, for, if the gentleman admits that the consumer pays the duty, then he could not claim for the merchant any privilege beyond the farmer and manufacturer.

Mr. Chairman, the gentleman from Georgia (Mr. CUTHBERT) has said that, if this bill passes, it will seduce the agriculturist from his farm to enter the work-shop of the manufacturer; that the father who had anticipated that his children and his children's children, so dear to him, must see those fields neglected or cultivated by a stranger, while the heirs of the soil are seduced to enter the factory, where the sun never shines—where no sound is heard but the sound of the never-ceasing spindle, and the threats of an unfeeling master—where the first emanations of virtue and morality are repressed, and where ignorance is a blessing, as it renders the degraded tenant less sensible of his miserable situation. Sir, said Mr. W., he touched but the pencil marks of the picture of an American factory which had been drawn by the opponents of the bill. Are gentlemen serious in giving such descriptions? Have they ever visited the cotton, the woollen, the iron, or the glass factories of our country? If so, have they visited them as some foreigners visit this country, to return and describe things they never saw, and relate as having heard said that which was never spoken. No! sir, they intend to describe to you the factories of Birmingham; as well might they compare the religious institutions of this country with the inquisition of Spain. The gentleman from Georgia, on my right, has read a book to prove to the Committee that British factories never would agree with American liberty. Mr. W. said he agreed with the gentleman, and received his book as good authority; but he neither wanted British factories nor British goods. The book says that the poor boys and girls in the factories are compelled to work from fifteen to seventeen hours in the twenty-four, and the gentleman is fearful they will have to do the same in the factories of this country, should the bill pass. If the gentleman will visit the factories of the North, he may convince himself that his fears are groundless. He will there find order, sobriety, and industry, cleanliness, and content. He will there find, that, instead of ignorance, the children are taught the common rudiments of education. Instead of wretchedness and misery, he will find there the asylum of the orphan. Yes, the orphan of him who fought your battles, and whose only treasure was love of country; and whose bones occupy all the soil he could once call his own—who had no paternal acre to give his son, nor dowry to his daughter. Would gentlemen hesitate to let that child enter a factory or a work-shop, where he would be comfortably clothed and fed, and where he would learn a trade which would render him useful to himself and useful to his country? Or would gentlemen prefer turning him loose upon society, friendless and without a home, and tell him to seek a living with the poor unfortunate tribe of beggars, who throng to your Metropolis, and who meet you at every turn and ask a sixpence?

Another objection has been made, that it would raise the price of the necessary articles of consumption beyond the means of the poor to purchase; he would not vote for a bill that would oppress that class of people. There were some articles on which the bill proposed an increase of duties, but it would not, he humbly apprehended, produce that effect. The silks, the crapes, the laces, and Leghorns, were proper exceptions, and would produce none of those evils. The gentleman considers the present tariff perfect in all its features. It produces no sympathy for the poor. The duties on watches, clocks, Brussels carpets, superfine cloths, and Cashmere shawls, pay a duty in proportion to their worth with Bohea tea, brown sugar, salt, and molasses, as one to ten; though the poor pay ten times the duty on these necessaries in proportion to what the rich pay on their luxuries, it has awakened no sympathy.

But, Mr. W. said, he gave the gentleman as an answer the argument of his friend from North Carolina, who had spoken against the bill. He has told us that he was a friend to domestic manufactures, but wants the labor performed by our

wives and daughters; and that an additional duty will build up great manufacturing establishments, and domestic goods would be sold so cheap that our wives and daughters would leave their wheels and looms, run to the factory, and purchase those articles which they should make in their own families. There is much weight in his argument. The duty of 1816, on coarse cottons, has produced that effect; and he trusted the gentleman had dissipated the fears of other gentlemen from the South who had shuddered at the impending ruin from the high price of goods. Mr. W. said he was friendly to the manufacture of cloths in our families. He would that we made our own coats, and wore them; and he believed that, if more of the old household gods, the wheel and the distaff, were introduced into our families, our country would be more independent, and virtue more predominant.

Mr. W. said that his friend and colleague from New York, who had spoken against the bill, had assured the Committee that our country was never more prosperous; that our manufacturing establishments were never more flourishing, and that we shall have an abundance of revenue to meet all the demands on your Treasury. Mr. W. said he was no merchant nor prophet; but he knew at the last session we were told that there might be some deficit in the years 1825 and 1826, and that we might have to resort to the old system of borrowing, unless we passed a law authorizing the Secretary of the Treasury to make an exchange of stock, and that Government would make a speculation of some hundreds of thousands. He did not understand how this speculation would be brought about; but, relying on the opinions of merchants and financiers, he voted for the bill, it passed, and all our golden dreams of prosperity had not been realized.

We are told that the failure was occasioned by a scarcity in the money market. He believed the reason assigned was the true one, but he could not reconcile it with the gentleman's assertion that our trade was prosperous. If our trade is good, we ought to have some cash. The gentleman has told us that the balance of trade, which appears to be against us, is no evidence that the trade is not profitable, and that our country is prosperous. It may be so to the importing merchant, and the country receive no great benefit.

If by drawing the specie from our country; if by letting the produce of the farmer waste on his hands; if by buying more goods than we are able to pay for; if by continuing a system which will drive from employment your mechanics; and, if it is better to send millions of specie to Great Britain to pay her artists than to employ and pay our own—then our country is truly prosperous, but it is that kind of prosperity which he had no wish to see continued.

Mr. W. said, gentlemen who had preceded him in the debate have endeavored to illustrate the subject by a comparison with European Powers. He admitted that we may obtain some useful lessons from the old world. But, on this subject, he did not believe it necessary to cross the Atlantic, and see what has been the effect in England, of her protecting system; or to Russia, and learn whether her change, from *her let-us-alone policy*, has been beneficial; and to Portugal, to learn whether she would still have been poor degraded Portugal, if she had pursued the English policy. For one, he was content to remain at home, and look back to the history of a free people, enjoying a government, if correctly administered, which gives equal rights and privileges to every individual. In the history of this Government, he had shown, her first acts contained the same principles which are in the bill under consideration. Washington recommended to Congress the enactment of laws for the protection of manufactures, and the encouragement of national industry. Laws were passed during his Administration for carrying these objects into effect—Adams did the same. Jefferson entered upon the duties of the Chief Magistracy, with a great proportion of the debt of the Revolution remaining unpaid. Did that statesman and patriot recommend the adoption of "the let-us-alone system?" Did he tell you not to pass laws laying duties on foreign goods, which would give protection to your manufactures, and encourage national industry; that if you did, your Constitution would be violated, and the people would rebel? No, sir; he recommended to Congress to pass these laws—he urged the necessity of adopting measures which would render us independent of foreign Powers and foreign fabrics—he urged economy and industry—he did more, he practised it as a private citizen, and the Chief Magistrate of your nation. The result justified the wisdom of his Administration.

The public debt was diminished with a rapidity beyond the expectation of his friends. Madison recommended the same measures; and our present Chief Magistrate, in his Message, at the opening of the present Congress, says, "It cannot be doubted 'that the more complete our internal resources, 'and the less dependent we are on foreign Powers, 'for every national, as well as domestic purpose, 'the greater and more stable will be the public 'felicity. By the increase of domestic manufac-'tures will the demand for the rude materials at 'home be increased, and thus will the dependence 'of the several parts of the Union on each other, 'and the strength of the Union itself, be propor-'tionably augmented."

With such illustrious examples, and the advice of your wisest and best men, he again called on gentlemen to pause before they gave their vote to strike out the first section of the bill. Let it be done, and we say to the people, although our fathers have protected the cotton and tobacco of the South, the commerce and fisheries of the North and East—and although our statesmen have recommended the protection of your manufactures, and urged the policy of adopting a system that would render us independent of foreign Powers, we, their Representatives, have grown wiser, and discovered that it is better to pay to support royalty than our Government; and that, in this age of discovery, we cannot lay duties without violating the Constitution, and, in this age of morality,

should we pass the law, it would be resisted. Mr. W. said, that it was his intention to have examined the question in regard to the several articles on which the bill proposes to increase the duties, but he would not detain the Committee; they had been ably advocated and explained by the chairman of the committee who reported the bill.

When Mr. WOODCOCK had concluded—

Mr. RHEA renewed the motion for the Committee to rise; which was again decided in the negative—ayes 55, noes 78.

Mr. RHEA then commenced a speech against this bill; but, before he had concluded—

Mr. EDWARDS, of North Carolina, again pressed the motion for the Committee to rise; which motion was likewise lost—ayes 57, noes 81.

Mr. RHEA continued the discussion of the subject, the anxiety of the members, however, to decide the question immediately, being strongly apparent. When Mr. R. sat down—

Mr. MITCHELL, of South Carolina, rose, and spoke against the bill. Before he had progressed far in his speech—

Mr. J. S. SMITH, of Kentucky, to give the gentleman an opportunity of delivering his sentiments more fully on the subject, the hour being now very late, made another motion for the Committee to rise. This motion shared a similar fate with the preceding—ayes 61, noes 70.

The Committee not evincing a disposition to rise—

Mr. MITCHELL proceeded in his speech, which follows, entire.

Mr. MITCHELL, of South Carolina, said, he regretted extremely that he was compelled to address the Committee at that late hour of the night, and exhausted as he was, and as they were, he would most gladly have moved to postpone the debate until the next day, had he not perceived that it was the fixed determination of gentlemen to sit until the question was taken. But, however painful, the effort must be made. A total failure on his part, would be softened by the reflection of having done his duty. When he had explained and enforced his views in the best manner he could, he would stand acquitted in his own eyes, and, however he might lament the passage of the bill, he would still be buoyed up by the recollection that he had made use of his best exertions to prevent it.

Mr. M. said he was no enemy to manufactures, considered abstractly as a branch of national industry. On the contrary no gentleman could feel a greater interest in the prosperity of every part of the Union than himself. His course on that floor had proved that he had been, on all occasions, an advocate for internal improvement, so far as he conceived it Constitutional; and he could say, with sincerity, that nothing afforded him more heartfelt delight than the contemplation of that spirit of enterprise with which many of the States were now establishing great public works to cheapen labor and multiply its productions. As a Representative of South Carolina, it would be almost needless to say that it was his duty to promote manufactures. That State was now dependent on her sister States and on foreign markets for every fabric which was in any wise accommodated to the taste or necessities of human life. Her pursuits were purely agricultural—on the plough and the spade, she relied for wealth and subsistence. He did not believe that there was, within her limits, a single manufactory of cloth, except the simple looms to be found in the cottages of her husbandmen, and those were seldom used on the seaboard. The peculiar character of her laboring people prevented the belief that she could, without great expense and difficulty, supply herself with domestic manufactures. In this respect, to say the least, she must for a long time be dependent on her neighbors. It is easy to see that, in a pecuniary point of view, it would be more to her interest to procure fabrics of this kind from a sister State than from foreign markets. In that case, they would be purchased free of duty, and their transportation would be more expeditious and at a less expense of freight. He was, therefore, opposed to the measure, not because he felt a disposition to thwart any State in its manufacturing prospects, but because he thought the provisions of the bill impolitic and unjust—because it would graft into our Government the restrictive system, the pernicious effects of which had been experienced by every nation which had adopted it to any extent; and because there were Constitutional difficulties to its passage in his mind, which had not been removed by the arguments he had heard. The Committee would see that, after so protracted a debate, every inch of ground must have been pre-occupied. Mr. M. said he would be as brief as possible. He would not dwell on the general principles of the bill, for they had been most ably and eloquently discussed by his friends from Georgia—he would not touch on its injurious consequences to the agriculture of the State which he represented, for they had been detailed by his colleague, (Mr. HAMILTON,) but he would confine himself to a few remarks on the most prominent positions taken by some of the friends of the bill.

The venerable gentleman from Massachusetts (Mr. EUSTIS) told you that he supported the bill, because it would promote the independence of the nation; and that that should be a subject of primary consideration with Government. Mr. M. said he knew not the extent of import which the gentleman attached to the word. If he meant that no country was independent which did not furnish itself with all that constitutes national wealth—with every production which in any wise subserved to the necessities, the comforts. and luxuries of life, the idea was visionary and impracticable. It was repugnant to the great system of nature. Providence, in its wisdom, had diversified our globe with a variety of climates; it had distinguished the productions of each climate by peculiar properties, and fitted them to all our tastes and appetites. Man himself was the creature of climate, and, according to his position on the globe, possessed different traits of character. There was no law of nature more strongly imprinted everywhere than that there

should be an intimate intercourse between the nations of the earth. Why that great highway, the ocean, leading from continent to continent? Why that inventiveness in man which has enabled him to strike a path over its trackless surface—to resist its waves and take advantage of its gales? Why that restless and daring spirit which mocks the storm and the pestilence, to exchange the luxuries and comforts of one country for those of another? When the sugar cane of Louisiana shall grow and flourish on the green mountains of Vermont—when the barley and clover of Pennsylvania shall ripen in the same soil with the pine-apple and banana—when the enterprise and energy of the New Englander shall brace and animate the brilliant minds of the South; then may we expect that one nation may be independent of another.

Mr. M. said, he considered that people independent, who governed themselves, and had the ability to maintain their rights. If the visionary independence of the gentleman were practicable, he thought it impolitic. The social principle was as strongly implanted in nations as individuals—in proportion as they communicate, is their moral efficiency increased. We are told that the continued barbarism of Africa, is owing to the geographical peculiarities of her surface. That continent is blest with few or no streams of communication, and tribe is separated from tribe, either by impenetrable forests or wastes of burning sand. Mr. M. said, he should lament the annihilation of our foreign trade, as one of the greatest calamities which could befall us; nor could he believe that any wealth which the concentration of our industry on manufactures could procure, would be a compensation for its injury to our national character. The loss of this trade would deprive us of two classes of men, who, more than any others, had contributed to our wealth and information—the merchants and sailors engaged in it. As far back as the year 1775, the enthusiasm of Mr. Burke was excited by their vigorous pursuit of the fisheries. Our merchants and seamen have done, of themselves, that which the mightiest sovereigns are proud to do. With their own capital, and by their own enterprise, and without the aid of Government, they have circumnavigated the globe; they have made discoveries in the distant Pacific; they have opened new avenues to wealth, by first engaging in the Northwest trade; they have planted a colony five thousand miles from our nearest settlement; and have, through the medium of the custom-house, secured us from the burden of direct taxation; for, let it be remembered, that the foreign trade has hitherto paid off the national debt, and supplied the exigencies of Government. And this is the pursuit, and these are the men, which the bill on your table is intended to destroy. Mr. M. said, he deprecated the idea of our adopting a Chinese policy. There was no people on earth for which he felt such a thorough and perfect contempt; and he thought the immense wealth of that empire would be but a poor exchange for those energies of character which this trade excited and matured. Besides, it is from these two classes of men that our navy has arisen. Why is not France a great naval power? Her people are brave, and her naval architecture superior to that of any nation in Europe. The answer is obvious: she has little or no foreign trade. She has not seamen, and they are not to be made at the tap of the drum. In three months you may prepare a soldier for the field; but the sailor must have years of application to be skilful in his art. Whence did we obtain those seamen who, in the late war, constituted our glory and defence? From the fisheries; from our trade with Europe; and our more distant and hazardous expeditions to the Northwest coast. Does any one believe that the victories of Hull and Perry could have been gained by a body of men from the workbench of a manufactory? He begged the Committee to consider this branch of his argument. A body of bold and skilful seamen, and the means of constantly supplying them, were essentially necessary to our defence. Our Northern frontier was bounded by a chain of lakes; the opposite shores of which are inhabited by a nation possessing the largest marine force in the world; and the naval command of those lakes would not only destroy the trade, but expose to capture and devastation the people occupying their borders. Our eastern frontier is of immense extent, crowded with rich commercial towns, and indented by bold rivers, which penetrate into the very heart of the interior. Give up the Navy, and you must abandon these frontiers. In this respect the people of Ohio, of the northern parts of Pennsylvania and of New York, are as much interested in the prosperity of the Navy as those who live on the Atlantic shores. The more you subduct capital from the foreign trade for the establishment of manufactures, the more you weaken yourselves on those frontiers, the only points on which you can be assailed with effect. Another argument of the gentleman was, that, without manufactories of woollen stuffs, in time of war, we should be destitute of them; and he instanced the Northwest army in our late contest with England, which, he said, would have been without clothing, if it had not been for the patriotism of our Western brethren. Mr. M. said he admitted the fact, but he did not attribute it to a deficiency of woollens in the United States. He had no doubt that the Army could have been amply supplied from the warehouses of our capital cities. The privations of that Army in this respect were owing to the bad arrangements of Government, to the want of funds in the Treasury, and to a most defective commissariat. It was within his personal knowledge, that the Army frequently suffered from the scarcity and badness of provisions; yet nothing is more certain than that the country was at that time most abundantly supplied with them. Mr. M. said, he did not believe that, since the Revolution, our poorer citizens had ever suffered from the want of good warm clothing, unless it was by their own imprudence and folly. That, in any future war, our supplies would be more certain and abundant, as we had a Navy to protect our commerce. He would now advert to some of the positions taken by the gentleman

from Pennsylvania, on his left, (Mr. BUCHANAN.) He had asserted that the duties in the bill were not increased for the encouragement of manufactures, but for the purposes of revenue; that it was a revenue bill, recommended by the Secretary of the Treasury; but that, if the bill were prohibitory, we could limit those prohibitions, and remove them when we pleased.

With regard to the character of the bill, there was a difference of opinion among gentlemen on the other side. The chairman, (Mr. TOD,) who introduced it, expressly declared that it was a bill for the encouragement of domestic manufactures. His whole course of reasoning tended to this point. We cannot mistake him. Things are substances and names are sounds. The gentleman may baptize the bill as he pleases, and it will still be a bill to enrich one branch of industry at the expense of another; to tax agriculture and commerce for the benefit of manufactures; it will still be a bill, in form and feature, of the restrictive system—a system which, Mr. M. said, was the most oppressive and injurious of any that we could adopt, and which every enlightened statesman of the old world had denounced. What, said M. is the object of this system? It is to force into premature existence a new branch of industry by bounties and prohibitions, or to give, by the same means, artificial excitement to those which are established. Let us now compare the bill as it stands with this exposition. What is its title? A bill for the protection and encouragement of domestic manufactures. What are its details? A duty of ten per cent. on coarse woollens; the same on osnaburgs, glass, fine cotton goods, &c. And why these enormous and unheard of duties? The bill tells you to protect and encourage the home manufacture of the same article. It declares in so many words that the enterprise of the merchant must be arrested, and the purse of the planter exhausted to give such a price to the manufacturer as will cause his establishments to flourish. It declares to the freeman of our country that he shall no longer have the liberty of purchasing at the cheapest market; to the industrious navigator that his profits arising from the transportation of these goods are to cease, his ship is to rot in the dock, he is no more to be employed in the carrying trade of Europe. And *this* the gentleman calls a *revenue bill.* Could we stop here, and never again adopt a measure of the same principle, the evil might be tolerated. But, it is one of the characteristics of this system ever to be in motion, until, like a net, it spreads over and hampers every branch of industry. With what justice could you refuse protecting duties to the manufacturer of guns, when you have granted them to the manufacturer of bar iron? How could you deny this application? And when you have granted to the gun-maker all which he asks, would not they who manufacture leather think themselves entitled to some share of protection? This was its progress in England. The protection of one manufacture led to the protection of another; duty was heaped on duty, until the measure of taxation was coextensive with the wants of man. The political and moral effects of the restrictive system are equally to be deprecated. It is unjust, because it taxes one man to enrich another; it is impolitic, because its direct tendency is to create monopolies; it is anti-republican, because it establishes two classes, the very rich and the very poor, banishing altogether the middle class, which is the stamina of every society, having the enlightenment of the former with the industry, economy, and hardiness of the latter. A writer of reputation thus describes its effects in England: "Wealth flows into 'the country, but how does it circulate there? Not 'equally and healthfully through the whole system; 'it sprouts into wens and tumors, and collects in 'aneurisms, which starve and palsy the extremi-'ties." Nothing would endanger the existence of our Republic more than such a state of society. Enormous fortunes accumulated in the hands of individuals enfeeble and corrupt, and establish at once a moneyed aristocracy—the most odious and oppressive form of government. The quick transit of property from hand to hand; its circulation over the surface and through the channels of society; the wealth of the rich seldom approaching to excess, and the limited means of the poor never descending to want, diffuse a love of liberty and manly independence of feeling necessary to the character of the freeman. The divisions of real property effected by the abolition of the primogeniture law has contributed more to strengthen our Republic than any other act of policy adopted by the States.

With regard to removing these prohibitions, when once imposed, the thing is wholly impracticable. If you protect a particular branch of manufactures, a greater amount of capital will be immediately invested in it, and the number of laborers employed will be increased. Permit the influx of foreign articles of the same kind, and you bankrupt the master manufacturer, and doom to pauperism the laborers who would be fit for no other pursuits. To what use would you then appropriate the machinery and buildings? Would they add to the annual production of the country? Would they not be so much active capital destroyed? These restrictions, when once imposed, must be continued, and I have shown that they cannot be limited. This is the reason why England does not abrogate her restrictive system. It is so interwoven with the great interests of agriculture, commerce, and manufactures, that it could not be repealed without annihilating a great part of the national capital. It would overwhelm millions with poverty and distress. Further to support his position, the gentleman read a decree of the Emperor Alexander, abolishing the system of unrestricted commerce, as destructive to the interests of the empire. We know very little of the internal condition of Russia. She had been involved for many years in the most exhausting and burdensome wars, the necessary consequences of which would be a decay of trade and impoverishment of the people. It was easy for the Emperor to have mistaken the cause, and to have attributed these effects to any thing else than his own wild and unbounded ambition. Mr. M. said,

at any rate, he was not disposed to accept a system of any kind from the hands of His Imperial Majesty. A prince who would put down the press as a pernicious engine; who condemned all interference of the people in Government as a crime; who considered Constitutional freedom as lawless usurpation, and who vindicated openly and avowedly the divine right of Kings, would not be chosen by him as a legislator on any subject.

The gentleman from Kentucky (Mr. Woodson) commenced his address with an enthusiastic eulogium on the character of Alexander Hamilton, who strongly recommended this system in a report which he made when Secretary of the Treasury. He was not disposed to depreciate the intellectual powers of this distinguished citizen; on the contrary, no one held them in higher respect. But that Mr. Hamilton's mind was strongly tinctured with English prejudice, and biased in favor of English institutions, is a fact which his warmest admirers must admit. If the gentleman from Kentucky was so ready to adopt his system of taxation, would he be equally ready to adopt his political principles? We have reason to doubt the correctness of that man's judgment on a subject of this kind, whose opinions on Government were so adverse to those of the framers of the Constitution, and whose public and private life were not remarkable for consistency. But a damning fact to the system is, that, with all his personal address, supported by the confidence of the most popular man in the nation, General Washington, he could not prevail on the members of the first Congress to adopt it. On the contrary, at the very time that he submitted his report, our Ministers in Europe received instructions to form treaties on a basis of unrestricted commerce, and the duties on importation were limited to the exigencies of Government. The gentleman relied on a passage in the Message of the President. If that proves any thing, it is against his theory and his general course of reasoning. Mr. Monroe expressly declares that our manufactures have increased, and are increasing under the present tariff. On the contrary, the gentleman represents them as being in a state of decline, and makes that representation the basis of his argument. Mr. M. said, on a difference of opinion in this matter, he would yield to the authority of the President. It was his duty to make the inquiry, and he had the means of collecting the most authentic information. In fact it was a little surprising that gentlemen on the other side, who declaimed so pathetically on bankrupt manufacturers and declining establishments, did not recollect that the only document on this subject, which had been submitted, was the Message of the President, and that was in direct contradiction to their statements. But there was no assertion of the gentleman from Kentucky, which had surprised him more than that a navy may be supported without foreign commerce. This remark is perfectly original, and contrary to the experience of all nations. One of the great objects of the celebrated navigation act of England, was to increase her carrying trade, in order to encourage and multiply the number of seamen. She was then contending for the supremacy of the ocean with the Dutch, who at that time were the carriers of the world. It was easy to see, if she could enjoy this trade, it would have the double effect of strengthening her own navy, and weakening that of her rival. This was the operative and leading motive which suggested this celebrated regulation. He would ask the gentleman where our landsmen are to receive their education as sailors, if the foreign trade be annihilated? By managing the steamboats of the Ohio and Mississippi?

Mr. Mitchell said, he would now endeavor to answer some of the positions advanced by the honorable Chairman (Mr. Tod) who introduced the bill. He presented a most lamentable picture of the state of the country—that we had paid a tribute of more than $27,000,000 in the two last years, successively, for manufactures, the raw materials of which everywhere abounded—that in consequence our coffers were drained of specie—that the value of exchange was now twelve per cent. in favor of England, and that these evils arose solely and entirely from the small encouragement given to domestic manufactures. How a barter of raw for manufactured commodities could be called a tribute, or how it necessarily followed that such an exchange was injurious to the country, Mr. M. said, was a problem to him. He had always thought that an instinctive knowledge of their true interests was a distinguishing trait of our countrymen. Their discernment in perceiving, and their industry and enterprise in pursuing the most gainful employments, had first rendered them known to the European world. And the universal preference which they had given to agriculture and commerce over manufactures, was to him demonstration, that they were the most advantageous employments. That we should be compelled to make annually specie payments to England, was neither a proof of poverty of the country, nor of the decay of trade. It will often occur that our importations may exceed our exportations with a particular country—that the balance may be annually paid in specie, and yet our whole trade be profitable. For instance, we may purchase from England to a greater value than the amount of our exports, and still the profits of our aggregate trade with the rest of the world, may be so great, as far to exceed our deficiencies in regard to England. If the whole imports of a country exceed its whole exports, there will soon be an end to foreign commerce. The mutual interests of nations will adjust their intercourse, and no regulations can supply the place of equivalent returns.

The true criterion of a profitable trade is the prosperity at home, and little reliance is to be placed on the theories of economists, and calculations of financiers, or the return of custom-house officers.

It is matter of some surprise to me, said Mr. M., that the gentleman should have mentioned the high rate of exchange in favor of England as ground of lamentation. It certainly operates as

a bounty on domestic manufactures. If we have to give $112 here for $100 on England in payment of her manufactures, it must certainly enhance their value to that amount. I should have supposed he would have hailed it as an omen propitious to his favorite pursuit. In fact, if the whole of his representation of our foreign trade, and of the state of the country were correct, it would be totally unnecessary for us to prohibit the introduction of English goods, for in a very short time, it would cease of itself from our inability to purchase.

The gentleman asserted that the system of free trade which we support, was a "new light"—"the production of a garret," and asks emphatically "if any member of Parliament ever dared to implicate his character by condemning the restrictive system." The gentleman has the reputation of being a man of learning, and I hope he deserves it: but when he makes these assertions, he either betrays ignorance, or labors under a belief that he can impose on the Committee a great absurdity. If he will recur to a debate which took place on the 17th May, 1817, in the House of Commons, he will find the question which he puts, answered by two gentlemen, Mr. Brougham and Mr. Robinson—the one a leader of the opposition, the other holding an important place in the Treasury Department—not the theorists of a garret, but practical men, immersed in the business of human life—actors in a Government which has carried the restrictive system to its utmost extent, and who, at least, have had as much experience of its effects as the gentleman—they will tell him that the decline of the branches of industry in England, is, in a great measure, owing to the restrictive system. Mr. Robinson, although a ministerialist, expressly says, if the question were, whether the system should now be adopted, he would oppose it as one fraught with evil to the country. With regard to the novelty of an unrestricted commerce, he who fills the important station of Chairman of the Committee on Manufactures should have recollected, that, more than fifty years ago, it was impressed on the British nation most strenuously by Adam Smith, in his work on the Wealth of Nations. No, Mr. Chairman, the system which we recommend is no garret theory—the production of no wild and speculative visionary—no mushroom of a night's growth—it is a system which philosophers and politicians have concurred in applauding—which was adopted by the immortal Congress of 1790, which has been continued by our successive administrations since that time, and under the influence of which our country has flourished to a degree as yet unparalleled.

The Chairman asserts, that, from the end of our Revolutionary war to the adoption of the Constitution, our country was in a most disastrous state, and he attributes its difficulties entirely to the prevalence of an unrestricted commerce. He must be infatuated with a system, indeed, who would attribute to a cause of this kind, the impoverishment and distress of a country just emerged from a war of seven years; distracted in its members; enormously in debt; without credit, and with a Government so feeble and unstable as to create universal distrust in foreign Courts. We were distressed, not because our commerce was free, but because we had no commerce at all; not because the productions of Europe were admitted without the proposed tariff, but, because the colliding jealousies and monopolizing spirit of the States interrupted and hampered their admission.

From this scene of distress the Chairman turned to England, and he described "this rock of the Northern ocean as an Eden in taste and cultivation;" although in extent no greater than one of our small States, her resources were inexhaustible, possessing a specie capital not only to answer her own exigencies, but to lend us in time of need; that her agriculture, manufactures, and commerce, were in a most flourishing condition, and all owing to her restrictions in trade. The gentleman did not state his authority for this glowing picture. But I must request him to recur again to the debate which I have just quoted, and he will see a representation in every respect the reverse of what he has painted. Mr. Brougham declares that the different branches of her industry are in a most declining condition; that, in the city of Birmingham, the great workshop of the Kingdom, one-third of the work people are wholly out of employ, and the rest are at half work; that in a population of eighty-six thousand people, twenty-seven thousand receive parish relief; that in the cotton factories, wages are as low as five shillings a week, and with this the laborer has to support his family; that these wretched beings could scarcely purchase half a pound of oatmeal a day, which, mixed with a little salt and water, constituted their whole food; that the symptoms of decay were equally visible in London, the great emporium of the nation, and that a visible diminution had taken place in the consumption of luxuries all over the country, manifested by a material defalcation in the produce of the customs and excise. The ability of England to lend us money, that statesman does not attribute to superabundance, but to a decay of all the branches of industry. His words are, "the want of employment at home 'has driven the capital abroad, and signs of this 'emigration have manifested themselves in the 'negotiation of loans with foreign Powers. One 'transaction of this kind has been already con-'cluded with France, and, undoubtedly, a great 'part of the money to be advanced in it will come 'from the capitalists of this country. America is 'said to have two speculations of the same kind 'going on, the present moment, in this city." To all these facts Mr. Robinson assents, and concurs in attributing them, in a great measure, to the restrictions on trade. I can offer no rebuttal of the eulogium of the gentleman on the restrictive system, and of its effects on the industry of England, stronger than is contained in the statements of those two distinguished Commoners.

The Chairman has attacked the eloquent description which my friend from Georgia (Mr. TATTNALL) gave of the moral and physical character of those employed in manufactures, and

triumphantly asks if General Greene, who was, at one period of his life, the superintendent of a blacksmith's shop, was a man of this cast. He has totally mistaken and misapplied the observations of my friend. They evidently were not directed to those who are generally termed mechanics, but to such as are employed in the manufactories which this bill is intended to promote. No two persons can differ more in character than the mechanic and the manufacturer. The one is a free man, the other a slave; the one, by wholesome exertion in the open air, is healthful and athletic; the other, by being confined to a work-bench, and constantly inhaling a pestiferous atmosphere, is ricketty and short-lived, and by being placed, at an early age, among a promiscuous crowd of both sexes, grows up ignorant of every thing but his trade, and initiated in the most vicious practices. To prove that the description of the gentleman from Georgia is correct, I refer the Chairman to all the debates of the British Parliament on the subject. I ask him to read the speech of Sir Robert Peel on submitting the cotton factory bill for regulating the hours in which children should be employed at work, and let him then say, in the face of his country, whether the education of a manufacturer is the education of a freeman; whether, as a patriot, he would prefer such a class of citizens to our intelligent agriculturists and hardy seamen; and, considering the happiness of the people, and the duration of the Government, whether it would not be better to limit than increase the class of manufacturers?

I have hitherto, in aswering our opponents, confined myself to the positions which they took. I will now conclude with a few observations on the details of the bill, and their effect on our foreign relations. The articles most severely burdened, are coarse woollens and osnaburgs. The Committee will recollect that these constitute the clothing of our poorest citizens—those employed in the most menial and laborious services, and who are most necessitous. To the fisherman, the sailor, and the laborer of every description, these are necessaries which cannot be done without. And is it policy to tax articles of this description? Tax the rich, tax luxuries, tax comforts, but for God's sake spare the poor. Do not oppress them in the use of articles which the severity of the elements and the sensibility of their bodies declare, they cannot dispense with. And what will be the effect of these regulations on our foreign commerce? Will not the nations against whom they are directed, retaliate? Will they not impose corresponding duties on the products which we send them? What was our conduct in similar circumstances? When France imposed such a discriminating duty on our productions exported in our own vessels, as to preclude them from the trade, did we not retaliate by laying an impost of $18 a ton on her vessels transporting her produce? Was not the intercourse between the two nations suspended by these mutual restrictions, until the late convention was made? When England confined the trade between her islands and the United States, to British bottoms, did we not pass an act suspending all intercourse with them? Rather than submit to an aggression of this kind, did not we sustain immense sacrifices in our lumber and provision trade? Are we not then to conclude that when we prohibit the importations of their woollens, that they will lay a similar interdict on the articles which constitute our exchanges with them? How then are we to furnish ourselves with woollens? We have no manufactories of that description established; if we had, where is the wool to supply them? Last year we imported 1,700,000 weight of wool, but, to supply the United States, it would take ten times as much, or more. Will you import it from England? She will not encourage your factories, by supplying them with the raw material. Will you go to Spain? Depend upon it, you would be disappointed there. There is no sacrifice which England would not make to Spain to induce her to withhold from you a supply of wool. What then are our laboring people to do? Wait, say you, until our manufactories are built and a sufficient number of sheep are raised to supply them. This language may be used in regard to luxuries, or comforts; but you surely will not apply it to necessaries. Before you use this language to the people of the United States you must pass an act to mitigate the cold of Winter and heat of Summer. You must so alter the obliquity of the globe, as that we shall have perpetual Spring. But where will be your revenue? These articles will always command a purchaser, and will as certainly be smuggled into the country, as you exist. You must satisfy the people of the equity of a law, before it will be obeyed. But put it to yourselves—if your families were shivering with cold, and clothing could not be otherwise purchased, would you be very scrupulous in examining whence the article was brought, which was offered you for sale? Would you lay hold of the merchant and tell him that his woollens must have been smuggled, as they had a foreign mark? No, sir, when you reflect that the prohibition was imposed merely to enrich your neighbor, you will be quite indifferent as to its enforcement. Our seaports would be soon overstocked with woollens, which would come cheaper as they would be free of duty. Do the friends of the bill support it to increase revenue? There is no axiom more certain in finance than that high duties diminish revenue. The experiment has been made again and again in England, and the result has been always the same. Do you support the bill to encourage domestic woollens?—The smuggler would be always able to undersell you. If the fair merchant, paying a duty of twenty-five per cent. undersells you, depend upon it that your goods would rot in the warehouse in a competition with the smuggler, who imports them free of duty. The effects then will be to encourage smuggling, give a death-blow to domestic manufactures—diminish revenue—and force you to resort to direct taxation, and excise duties, the least tolerable of all the impositions of Government.

When Mr. Mitchell had concluded—

The question was taken on striking from the

bill the enacting clause; which is equivalent to a rejection of it; and there appeared—in favor of striking it out 51; and against it 77.

[The bill is yet in Committee, to be gone through in detail, for the purpose of amendment.]

The Committee then rose, and the House adjourned at a quarter before 10 o'clock.

THURSDAY, February 13.

Another member, to wit, from South Carolina, GEORGE McDUFFIE, appeared, and took his seat.

Mr. RANKIN, from the Committee on the Public Lands, to which was referred the Message from the President of the United States, communicated to this House on the 25th of February, 1822, enclosing a report of the Secretary of War, respecting the extinguishment of the Indian title to lands the right of soil in which is claimed by an individual State or States, &c., made a report thereon; which was read, and ordered to lie on the table.

Mr. PLUMER, of New Hampshire, from the Committee on the Judiciary, reported a bill for the relief of Edmund Kinsey and William Smilie; which was read twice, and committed to a Committee of the Whole.

Mr. DARLINGTON, from the Committee on Military Affairs, to which was referred the memorial of the General Assembly of the State of Alabama, on behalf of Colonel Samuel Dale, with other representations in behalf of the said Colonel Dale, made an unfavorable report thereon; which was read, and ordered to lie on the table.

Mr. BLACKLEDGE, from the Committee on the Public Buildings, who were instructed to inquire into and report what alterations are necessary to be made in the Representatives' Hall, for the accommodation of the Eighteenth Congress, made a report; which was read, and ordered to lie on the table.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting additional documents, to be appended to his report, dated on the 11th instant, in relation to the surveying of the public lands.—Laid on the table.

Bills of the Senate of the following titles:

1st. An act for the relief of Eleanor Lawrence; and, 2d. An act to regulate the commercial intercourse between the United States and certain British colonial ports, were read twice, and referred; the 1st, to the Committee of Claims, and the 2d to the Committee on Commerce.

GENERAL APPROPRIATION BILL.

The House then, on motion of Mr. McLANE, resolved itself into a Committee of the Whole on the state of the Union.

Mr. McLANE, pursuant to the notice he gave on Tuesday last, then moved that the Committee do now take up the bill making appropriations for the support of Government for the year 1823.

Mr. TOD asked if this motion was in order, and moved to take up the unfinished business of yesterday—the bill concerning the encouragement of domestic manufactures.

The CHAIRMAN having declared that the first motion was in order—

The question was taken thereon, and decided in the affirmative—ayes 73, noes 61.

The Committee then proceeded to the consideration of the bill making the general appropriations for the expenditures of the civil list for the current year.

As usual, a good deal of skirmishing debate took place on those passages of the bill proposing appropriations for the pay of a few clerks in the public offices, who are not appointed in pursuance of the provisions of law, but employed on the contingency of Congress appropriating money for their compensation.

Mr. COCKE moved to strike out, in succession, several of these clerks—and Mr. McLANE, Mr. LINCOLN, and others opposed him. The motions were generally negatived.

Mr. TRIMBLE, of Kentucky, moved to amend the bill, by inserting a clause "For the repair and preservation of the Cumberland road, $25,000."

Mr. EDWARDS, of North Carolina, Mr. LITTLE, Mr. TOD, and Mr. BUCHANAN, spoke on the propriety of introducing the proposed appropriation in this bill. An objection having been made by Mr. TOD, as to how this money should be disposed of, if appropriated,

Mr. HARDIN offered the following as amendatory of the proposition of Mr. TRIMBLE:

"That the Secretary of the Treasury be authorized to employ a suitable person or agent to superintend the repair of the said road."

Mr. TRIMBLE received this as a modification of his amendment.

When Mr. HARDIN and Mr. WRIGHT had delivered their sentiments on the proposed amendment—

Mr. BUCHANAN accompanied his remarks on the subject with an amendment, which he proposed to Mr. TRIMBLE's amendment.

[The amendment, of three sections in length, proposes a recession to the States of Maryland, Pennsylvania, and Virginia, of those parts of the road which fall within their jurisdiction, on condition that they will, respectively, forever keep such portion of the road in good repair, and shall collect no more toll than is necessary for that purpose, and to defray the expense of collection, imposing upon them, also, the obligation of annually accounting for the tolls received, and the manner in which the tolls are expended.]

Mr. STEWART, Mr. FARRELLY, and Mr. ALEXANDER, joined in the discussion, the course of which involved the Constitutional powers of Congress, and the principles on which it should act in relation to the general system of internal improvements.

The Committee then, on motion of Mr. ROSS, of Ohio, rose, and the House adjourned at half-past four.

FRIDAY, February 14.

Mr. WILLIAMS, of North Carolina, from the Committee of Claims, to which was referred the

bill from the Senate, entitled "An act for the relief of Eleanor Lawrence," reported the same without amendment; and the bill was committed to the Committee of the Whole.

Mr. WILLIAMS, from the same committee, made a report on the petition of Henry Lee, one of the sureties of John Ricaud, accompanied by a bill for his relief; which was read twice, and ordered to lie on the table.

Mr. PLUMER, of New Hampshire, from the Committee on the Judiciary, reported a bill to punish frauds committed on the Government of the United States; which was read twice, and committed to a Committee of the Whole.

Mr. PLUMER, from the same committee, to which was recommitted the bill to authorize the holding of a district court at Louisville, in Kentucky, reported the same with an amendment; and the bill was committed to a Committee of the Whole.

Mr. BLACKLEDGE, from the Committee on the Public Buildings, made a report in relation to the state of and progress in completing the said buildings, accompanied by a bill making appropriations for the said buildings; which bill was read twice, and committed to the Committee of the Whole.

On motion of Mr. METCALFE, the Committee on Indian Affairs were instructed to inquire whether any, and if any, what abuses have been committed by the late Superintendent of Indian Trade, (Colonel T. L. McKenney,) in the purchase or sale of goods, under the several laws formerly regulating the Indian trade; and that the committee have power to send for persons and papers.

THE NEW TARIFF BILL.

Mr. TOD, of Pennsylvania, made a motion to discharge the Committee of the Whole on the state of the Union from the further consideration of the bill for the more effectual protection and encouragement of domestic manufactures.

This was a motion which was intended by the mover to bring the bill directly before the House for amendment, and eventually to obtain a question on its passage, more speedily and more certainly than if the discussion were to be suffered to go on in Committee of the Whole.

The motion being, therefore, a leading one, it produced a little excitement in the House, on the part of those who are opposed to the bill in principle, and on the part of those who desire material amendments to be made in the bill. The excitement was not lessened, by a question of order having arisen of a novel and somewhat important character, which was decided by the SPEAKER, debated, and an appeal from it indicated, though the question did not really present itself, the suggestion of it being in anticipation only of what might occur in the course of the proceedings, should the motion of Mr. TOD prevail. The bill contains one blank. The 80th rule of the House is in the following words:

"80. No motion or proposition for a tax or charge upon the people shall be discussed the day in which it is made or offered, and every such proposition shall receive its first discussion in a Committee of the whole House."

The question which was raised was, whether a blank in one part of the bill (for the amount of the duty on raw wool imported) could be filled in the House, not having been debated in the Committee of the Whole? This question the SPEAKER decided in the affirmative.

A good deal of conversation, *pro* and *con*, took place, as well on the question of discharging the Committee as on the point of order; in which Messrs. COLDEN, TOD, GORHAM, EDWARDS, of North Carolina, BUCHANAN, CAMBRELENG, WILLIAMS, of North Carolina, SERGEANT, BASSETT, HARDIN, MALLARY, NEWTON, CUTHBERT, and TATTNALL took part.

In the course of the debate—

Mr. COLDEN professed himself friendly to manufactures, but not in favor of this bill as it now stands, believing that some of the duties proposed would be prejudicial rather than beneficial to manufactures; and was opposed to discharging the Committee, because the bill required much amendment.

Mr. CUTHBERT denounced this motion as an attempt to violate the virtue and substance of the rule which is above quoted; to break down those barriers and guards with which the House had fenced itself around; and he appealed to every thing that is good and virtuous in the House not to press upon those upon whom this was to operate most severely, with this precipitation, with this ferocity.

Mr. SERGEANT expressed his opinion, as the course proposed would, it was now known, introduce a question of order, on which an appeal would be taken from the decision of the Chair, causing probably much debate, that it would be more advisable that the motion to discharge the Committee of the Whole should be withdrawn.

Mr. TATTNALL, believing that the operation of this motion, if it succeeded, would be in the nature of a gag-law, required the question to be taken by yeas and nays, that the people might see what members on this floor were disposed to support a motion of that nature.

The question was taken by yeas and nays accordingly; and the votes were as follow:

YEAS—Messrs. Barber of Conn., Barber of Ohio, Borland, Breckenridge, Brown, Buchanan, Burrows, Campbell of New York, Cassedy, Chambers, Condict, Cook, Darlington, Denison, Dickinson, Edwards of Connecticut, Edwards of Pennsylvania, Farrelly, Findlay, Forward, Gebhard, Gross, Harris, Hawks, Hemphill, Holcombe, Hubbard, Ingham, Jennings, F. Johnson, J. T. Johnson, Little, McCarty, McKim, McLane, McSherry, Matlack, Metcalfe, Mitchell of Pennsylvania, Morgan, Murray, Patterson of Pennsylvania, Pierson, Pitcher, Plumer of Pennsylvania, Rochester, Rogers, Ross, Ruggles, Russ, Sergeant, Sloane, Sterling of Connecticut, Sterling of New York, Stewart, Swan, Taylor, Tod, Tomlinson, Tracy, Trimble, Udree, Van Rensselaer, Walworth, Wood, Woodcock, and Woodson—67.

NAYS—Messrs. Abbot, Alexander, Allen of Tennessee, Ball, Barstow, Bassett, Baylies, Bayly, Blackledge, Burton, Cambreleng, Campbell of Ohio, Cannon, Carter, Colden, Conkling, Conner, Crafts, Cushman, Cuthbert, Durfee, Dwight, Eddy, Edwards of

North Carolina, Floyd, Fuller, Garnett, Gilmer, Gist, Gorham, Govan, Hall, Hamilton, Hardin, Herrick, Hill, Hobart, Hooks, Jackson, Jones of Tennessee, Kent, Keyes, Kirkland, Leftwich, Lincoln, Litchfield, McCoy, McDuffie, McNeill, Mallary, Mattocks, Mercer, Mitchell of South Carolina, Moore of Alabama, Neale, Nelson of Massachusetts, Nelson of Maryland, Newton, Patterson of New York, Phillips, Plumer of New Hampshire, Poinsett, Rankin, Reed of Maryland, Reid of Georgia, Rhea, Rich, Rodney, Russell, Saunders, Arthur Smith, Alexander Smith, William Smith, A. Stevenson, J. Stephenson, Tattnall, Thompson, Tucker of South Carolina, Upham, Van Wyck, Walker, Warfield, Whipple, White, Williams of Virginia, Williams of North Carolina, Williamson, and Wilson—88.

So the House refused to discharge the Committee of the Whole from the further consideration of the bill.

GENERAL APPROPRIATION BILL.

On motion of Mr. TOD, the House then resolved itself into a Committee of the Whole on the state of the Union, Mr. TOMLINSON in the Chair.

Mr. MCLANE obtained the floor, and moved to take up the General Appropriation bill, in the discussion of which some progress was made yesterday.

Mr. TOD intimated that it would be in order, if the Committee should refuse to take up that bill, to take up the other bill (the tariff bill) which is before the same Committee.

The question on Mr. MCLANE'S motion prevailed—76 to 71 votes—and the House proceeded to consider the Appropriation bill.

The question pending when the Committee rose yesterday, was on an amendment moved by Mr. TRIMBLE, of Kentucky, to appropriate $25,000 for the repair of the Cumberland road, to which Mr. BUCHANAN, of Pennsylvania, had proposed an amendment, the object of which was to recede the road to the States in which the several portions of it lie, on condition of their engaging to keep the road in repair, &c.

Some conversation took place as to the propriety of urging the connexion of this question with the discussion of the principle of the bill. The gentleman who moved the first amendment declined to withdraw it.

Mr. WARFIELD, of Maryland, then addressed the Committee at considerable length in favor of the appropriation of money for the repair of the road, and against the course proposed by Mr. BUCHANAN.

Mr. ROSS, of Ohio, followed on the same side, also pretty much at large, adverting particularly to the origin of the fund which is pledged to refund the money which the road cost, making the consent of the State of Ohio necessary to the proposed recession.

Mr. NELSON, of Maryland, regretting the introduction of the subject upon this bill, proceeded to discharge a duty which his situation bound him to, by giving his reasons against Mr. BUCHANAN'S proposition. One argument particularly he used with considerable effect, viz: that the power to cede the road must be coincident to the power to put gates upon it, the right to exercise which was at the last session denied by the Executive to exist in Congress. To agree to the measure proposed by the gentleman from Pennsylvania, therefore, would be to present to the President a proposition to which it is known beforehand he will not assent.

Mr. PHILLIPS, of Pennsylvania, briefly expressed his views of the question. He was in favor of the amendment proposed by his colleague.

Mr. WHITE, of Vermont, said he was in favor of the amendment offered by the honorable gentleman from Pennsylvania to the amendment proposed by the honorable gentleman from Kentucky.

Since the National Government, said Mr. W., has been at so great expense to make the Cumberland road, rather than it should be left to dilapidate, and be destroyed, I will vote for the appropriation to put the road in full and complete repair; provided that provision be also made for future repairs without expense to the General Government. In my estimation it would be just and right that, in future, the road should keep itself in repair by the collection of tolls for that purpose.

I must confess, however, that I extremely regret that the gentleman from Kentucky has seen fit to encumber the General Appropriation bill with the subject of the Cumberland road. It would have been a fairer mode of legislation, and, in my estimation, more parliamentary, to have presented this subject for consideration in the bill reported from the Senate especially for that purpose, which stands referred to this committee. But, sir, since the subject has been presented in this shape, and the discussion has proceeded thus far, it may be a saving of time to connect it with this bill; therefore I do not consider it very important in this use to be over nice about modes and forms.

If the friends of the road are sincere in making their declarations, they will ask nothing more. They have declared a willingness to erect toll-gates and collect toll sufficient to keep the road in repair. But it has been decided by the President that the Government of the United States have not the Constitutional power to establish gates and force the collection of toll on said road. What, then, is to be done, sir, but to adopt the course proposed by the gentleman from Pennsylvania?—to cede the road to the States respectively through which it leads.

But gentlemen object to this course, and say it would be placing the road under the guardianship of "its own worst enemies," who would destroy it, or, by neglect, would leave it to dilapidate and be destroyed. But can any honorable gentleman be serious in making this assertion? Are not the conditions proposed sufficiently guarded? If the cession be made and accepted with the conditions proposed, the States must keep the road in repair, and collect but barely toll sufficient for that purpose, and must annually render an account to this Government. Where then is the danger of which some gentlemen have such fearful apprehensions?

If the conditions should not be complied with in good faith, by the States, the cession would be void, and the road remain as much under the control of Congress as it now is—and this Government could then, if they please, continue to make repairs, the same as they can now. Where then, I would ask, are the difficulties that gentlemen would throw in the way?

But, sir, were the cession of the road to be made and accepted by the States, without any conditions, can any honorable gentleman be serious in saying that the road would be in danger of going to destruction? Will any gentleman seriously say, that either of the enlightened, patriotic, and magnanimous States, through which the road leads, should they receive the guardianship of so stupendous and magnificent a work, the product of national munificence, would not feel a pride in cherishing and preserving that work, rather than destroy it ,or suffer it to go to ruin? No, Mr. Chairman, gentlemen cannot be serious; no honorable gentleman would be guilty of so foul a slander. The gentleman from Pennsylvania who has spoken with so much vehemence on this occasion, has, I apprehend, suffered his zeal to carry him too far.

And now, sir, is it not just and equitable, as it respects other sections of the United States, that this road, which has been built by the nation, at so great an expense, should in future maintain itself? The people who inhabit the cold and inhospitable regions of the North labor under as great inconveniences, with respect to roads, as the people of the West possibly can.

A high and rugged chain of mountains extends through the centre almost the whole length of the State of Vermont; across which several roads have been made, at great expense, by the enterprise and liberality of individuals; for travelling on which the citizens are obliged to pay toll; and yet, the proprietors of those roads do not, after defraying the expense of repairs, receive more than from one to three per cent. on the sums actually expended in making the roads.

An honorable member, now in my eye, my venerable and worthy colleague, from his own private funds, has expended more than forty thousand dollars, in making a road across the Green Mountains, and though the traveller pays a high toll for passing thereon, for nearly twenty years past, this road has not yielded the proprietor one cent more than sufficient to make the necessary repairs. The State which I in part have the honor to represent is an inland State, remote from market. The farmers are obliged to transport their produce by land, at great expense; and go which way they will, they meet a turnpike gate, and are subject to the payment of tolls. Now, sir, permit me to appeal to the candor, liberality, justice, and good sense of gentlemen, whether it be just and equitable, that the good people of Vermont, since the Cumberland road has been made at so great expense by the National Government, should be annually taxed to keep it in repair? To keep a free road? And for whom? The people who possess and enjoy the luxuriant and fertile regions of the West. No, sir, it cannot be just. The little State of Vermont, which during the struggle for independence, maintained her ground, and single-handed defended herself, not only against the invasions of the savage foe, tories, and hostile British troops, but against the encroachments and unjust claims of the State of New York, is far from being rich. Yet, her citizens, high-minded and patriotic, who, by persevering industry and economy, can barely obtain a comfortable support, will patiently bear their just proportion of public burdens without a murmur. But, sir, if you tax them annually to keep in repair the Cumberland road, they will feel themselves aggrieved, and will consider it unequal and unjust; yet, notwithstanding, with respect to them, I will not say, as was said by an honorable gentleman on a former occasion, with respect to his constituents at the South. But, sir, will ask leave to amend the declaration of that honorable gentleman, when I apply it to my constituents, by striking out the word *not*. The patriotic citizens of Vermont, sir, though they should feel themselves aggrieved, and even oppressed by the acts of Congress, will not oppose those acts, by resisting the constituted authorities. No, sir, but to use the declaration of the honorable gentleman, as amended—"they will submit; by heavens they will!" But, sir, I wish to have it expressly understood, that they are not characters, composed of "dough faces," to be first frightened, and diverted from their purposes by empty threats, and thereby cheated out of their just rights. If the amendment offered by the gentleman from Pennsylvania be adopted, I shall vote for the appropriation to put the road in repair, hoping and trusting that hereafter the Cumberland road, of which we have heard so much, will be made to keep itself in repair, or be repaired by the State authorities, as are roads in other sections of this country, and thereby relieve the National Government from any further trouble or expense. And I do, sir, most conscientiously believe that, if the preservation of the Cumberland road be all that gentlemen, who have spoken with so much zeal on the subject, want, they will, one and all, vote for the amendment offered by the gentleman from Pennsylvania. But if their zeal arises from another cause; if they wish to retain the road as a bone of contention, whereby National and State rights may constantly be brought in collision, then they will vote against it. Mr. W. concluded by hoping that the amendment to the amendment might be adopted.

Mr. Cook, of Illinois, next delivered his views in opposition to the amendment of Mr. Buchanan.

Mr. Wright, of Maryland, then spoke against the amendment of the gentleman from Pennsylvania.

Mr. Keyes, of Vermont, spoke as follows:

Mr. Chairman: On the subject of the Cumberland road, or, more properly speaking, the National road, now under consideration, I will not, in speaking on this question, occupy more time than I have in trying to get the floor to speak. Mr. Chairman, by the acts and laws of the Con-

gress of the United States, ships are built, fortifications and lighthouses have been erected. Have not Congress appropriated money to repair those ships, fortifications, and lighthouses, when they have been out of repair? Or have they let them go to destruction? No, sir; they have made the necessary repairs, and not suffered them to go to ruin. Well, Mr. Chairman, by the acts and laws of Congress, the Cumberland road has been constructed. That road is now out of repair. It has cost this nation nearly two millions of dollars; and we ought not to let it go to ruin for the want of a little repairing. Sir, if I have made a correct estimate, it has cost about fourteen thousand dollars a mile; and, if the money was well laid out in making this road, it will not cost much to keep it in repair, after the first repairs are made, if well made—future repairs will cost but a trifle. When a road is first made, through a rough, mountainous, hilly country, and steep side hills to make it upon, when you have to cut the upper side of the road deep, next to the steep hill or mountain, the mountain or hill will for awhile slip down into the upper side of the road; and the dust and stones, thus tumbling into the road, must be thrown over the lower side; and, when so done, it will widen the road, and make it the better. Mr. Chairman, I ask, what motives had Congress in making this road? Was it to accommodate our Western brethren, whom we love so well, and for the benefit of our Western lands? But, sir, admitting Congress has no regard for our Western brethren, who have been of so much benefit to us in settling a part of that Western country; still we ought to consider that we have more land in the West than we can number into acres. Yes, sir, the United States have more than four hundred millions of acres, and how much more I cannot tell, in the Western country. And, Mr. Chairman, I think Congress has acted very wisely in making this Cumberland road, leading over the hills and mountains to that goodly land. Sir, it has been asked, by several members of this House, what benefit is this National road to Maine and Georgia? Well, sir, I will ask, is not Maine and Georgia interested in the land? Yes; and all the other States of this Union are also equally interested in this National road, leading to those lands. But, sir, a gentleman, who spoke yesterday, when this question was under consideration, said something about heaping up coals of fire. I did not know the man's name, nor do I know where he belongs; but I know he is a member of the House, for I recollect his face well enough. Well, sir, what did he mean by heaping up coals of fire? Sir, if he will keep his heap of coals, and have them ready to burn the timber which may be prepared to build the contemplated gates, I will go with him, and help to kindle the fire. Sir, I think toll-gates are a curse to their owners, and to their customers also; for the owners of turnpike roads do not generally get enough toll to keep their roads in repair; and the traveller, when he comes to the gate, must make the change; but, if he cannot, then he must go back to the city or town, to get his money changed, before he is permitted to pass the gate. Sir, this road is one hundred and thirty miles in length; and, if you set up a gate for every ten miles, you will have thirteen gates: you must also build toll-houses near each gate; and you must provide for each gate a toll-gatherer, or money-catcher—call him what you please. And, Mr. Chairman, I ask, what will all this cost. Sir, it will cost ten or fifteen thousand dollars, at least, for the first year, or more; for you will give your toll-gatherers from five hundred to one thousand dollars each a year, or perhaps much more. Mr. Chairman, I am in favor of appropriating money sufficient to make the first repairs. But, sir, I am opposed to giving this road to the States of Pennsylvania, Maryland, and Virginia, or any other State or States, for them to erect gates and take toll. Sir, if this road is ceded to the aforesaid States, it is uncertain whether they will take it or not. And, further, if once ceded away, it never again will be a free road; or, if ever, not short of one hundred years. Sir, if you take this mode of getting rid of the National road, you will adopt a sure way to lessen the value of your Western lands, and incense your Western brethren. Mr. Chairman, I have no doubt but people will soon settle on this road, and be sufficient to keep it in good repair with their common highway taxes, and not be burdened with higher taxes than other people are on other roads—for people always like to settle on good roads. Sir, I wish a good, thorough superintendent may be appointed—a man that will work himself, and be always present with the men; and the laborers should be hired for the term of six months; the money from Government being sure, the men, thus hired, ought to repair this road with good economy. And, in my opinion, by adopting this mode, it would not cost the United States half the money to repair this road as it would by letting it out in jobs. Mr. Chairman, it is true, as my colleague has stated, I have spent large sums of money in making roads. In that part of the country where I live when I am at home, when I first went into it, when we had to travel the roads, with a cart or wagon loaded with six or eight hundred weight, we had to employ half a dozen men, to hang on one side or the other, to keep the cart from turning over; but, since we have constructed our turnpike roads, one man can drive his team with a load of two or three tons on his wagon. And, sir, although these roads give no dividends to their owners or proprietors, yet the money expended in making them is not wholly lost; for the farms and wild lands which they go through, or lead to, is worth double as much as it ever would have been without having these roads made to travel upon. Mr. Chairman, I know not how other gentlemen feel about giving away this road; but, sir, if I should, by my vote, give away two millions of the United States property, I should not dare to return home. Sir, I hope I have made myself intelligible to Congress; and, if I have, I presume they will go with me in appropriating a sum sufficient at once to repair the National road. Sir, I find some gentlemen, who

are in favor of repairing the road, seem rather inclined to vote to appropriate the money in the bill which came from the Senate. But, sir, since we have the matter now before us, I think it would be a saving of time to decide upon it at this time. Sir, this road is the property of the nation, and I think it the duty of Congress to take care of it.

When Mr. K. sat down, the Committee rose, and the House adjourned.

SATURDAY, February 15.

Mr. PLUMER, of New Hampshire, from the Committee on the Judiciary, to whom was referred the petitions of Joseph Noriego, and of Peter Alva and Francisco Bonel, reported a bill to carry into effect the ninth article of the treaty concluded between the United States and Spain, on the 22d of February, 1819; which bill was read twice, and committed to a Committee of the Whole.

Mr. PLUMER, from the same committee, to whom the subject has been referred, reported a bill to alter the times of holding the district courts of the United States for the district of Vermont; which was read twice, and ordered to be engrossed, and read a third time on Monday next.

Mr. RANKIN, from the Committee on the Public Lands, reported a bill for the relief of John Coffee; which was read twice, and committed to the Committee of the Whole to which is committed the bill for the relief of James Ross.

Mr. RANKIN, from the same committee, to which was referred, on the 20th of December, 1822, the memorial of the General Assembly of Louisiana, reported a bill granting a tract of land to the inhabitants of the parish of Point Coupee, on certain conditions; which bill was read twice, and ordered to lie on the table.

Mr. RANKIN, from the same committee, to whom the subject was referred on the 7th ultimo, reported a bill concerning the signature of the President of the United States to patents for land; which was read twice, and committed to a Committee of the Whole.

On motion of Mr. WILLIAMS, of North Carolina, the House took up the bill for the relief of Henry Lee; and the report in his case having been read, the bill was ordered to be engrossed for a third reading.

Mr. COLDEN moved to take up the report of the Committee of Claims on the case of John G. Bogert; and, on the question to agree thereto, it was decided adversely.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act to extend the charter of the Mechanics' Bank of Alexandria, in the District of Columbia." They have concurred in the amendments proposed by this House to the bill, entitled "An act to divide the State of South Carolina into two judicial districts," with an amendment, in which bill and amendment they ask the concurrence of this House.

The amendment was read, and concurred in by the House.

The bill from the Senate, entitled "An act to extend the charter of the Mechanics' Bank of Alexandria, in the District of Columbia," was read twice, and referred to the Committee on the District of Columbia.

A Message received yesterday from the PRESIDENT OF THE UNITED STATES was read, and is as follows:

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives, of the 22d January last, requesting the communication to the House of all the correspondence between the Government of the United States and Great Britain, relating to the negotiation of the convention of the 20th October, 1818, which may not be inconsistent with the public interest,—I transmit herewith to the House a report from the Secretary of State, together with the papers requested by the resolution of the House.*

JAMES MONROE.

WASHINGTON, *February* 13, 1822.

The Message, report, and documents, were laid on the table.

The SPEAKER laid before the House a report from the Secretary of the Treasury on so much of the memorial of the General Assembly of the State of Alabama as relates to the sale of the public lands in the counties of Jackson and Decatur, in that State, referred to him on the 3d instant; which was read, and ordered to lie on the table.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a statement of the expenditures at the national armories, and of the arms made and repaired therein, during the year 1822; rendered in obedience to an act, passed on the 2d of April, 1794; which letter and statement were laid on the table.

On motion of Mr. TATTNALL, the Committee on Naval Affairs were instructed to inquire into the propriety of continuing the pension heretofore allowed to the widow of the late Lieutenant Elbert, of the United States Navy.

ADMIRALTY COURT AT LOUISVILLE, KY.

Mr. BRECKENRIDGE moved to discharge the Committee of the Whole from the further consideration of the bill authorizing the holding of the district court in Louisville, Kentucky; which motion was agreed to.

In moving to withdraw this bill from the committee, Mr. BRECKENRIDGE said he did it under an impression it would not excite debate, as he was unwilling to consume the time of the House.

The bill being before the House, and the amendment reported by the Judiciary Committee to the bill having been concurred in—

A discussion arose as to the extension of the jurisdiction of the judge of said court, and other points connected with his authority to adjudge maritime causes, &c., in which Mr. F. JOHNSON, of Kentucky; Mr. J. S. JOHNSTON, of Louisiana; Mr. BRECKENRIDGE, and Mr. J. T. JOHNSON, of Kentucky, participated.

[* For the documents accompanying this Message, see *Appendix* to the "Annals," of the second sessions of the Fourteenth and Fifteenth Congresses.]

Mr. J. S. JOHNSTON, of Louisiana, was in favor of passing the bill. He said the object of the bill is to authorize the district judge of Kentucky to hold a court, at suitable periods, at Louisville, for the trial of admiralty and maritime causes. It does not affirm or deny any jurisdiction of that court, nor does it sanction any opinion that may have been given with regard to that jurisdiction. But, while that jurisdiction is claimed and exercised, he thought it would relieve the people of that State from some of the inconveniences of which they complain, by trying those causes where they must principally arise. He dissented from the doctrine of the gentleman from Kentucky, limiting the jurisdiction to the ebb and flow of the tides. He said the district courts, as courts of admiralty, have jurisdiction concurrent with the common law over maritime contracts. These are not limited to place, but relate to the object. They are not necessarily confined to the tides, but derive their appellation from the nature of the subject. They relate to business connected with commerce and navigation, wheresoever the same may be made or executed, or whatever the form of the contract. But, what is technically a maritime contract, must, at present, be left to the enlightened judgments of those courts, whether it should be confined to ships and to commerce upon the ocean, or whether it extends into the interior waters, or above the tides, or to steamboats, or to all subjects of navigation, should be settled by the judgment of the Supreme Court. If, when that judgment is had, it is found to have too extensive operation, it will be the duty of Congress to limit it. But, whether maritime contracts are, or ought to be, limited to the ebb and flow of the tide, is worthy of profound consideration. He said the situation of this country is peculiar. On our northern boundary there is a chain of lakes or inland fresh-water seas, above the tides of the ocean, and having no perceptible tides of their own. Upon these will be considerable commerce between several States bordering on them, and between them and the British possessions. They will be navigated by vessels of all kinds. He said the limitation fixed to maritime jurisdiction, by the gentleman from Kentucky, would exclude these large waters.

He represented the rivers of the United States penetrating far into the interior. The Ohio and Mississippi rivers form a communication between two States, and from each of them to the ocean. In one only of which does the tide ebb and flow. The nature of the commerce carried on would seem to require the exercise of maritime jurisdiction to a certain extent, but to what extent, and under what limitation, deserves consideration. He said the situation of England furnished nothing analogous. Her navigation is confined to tide waters, and is intimately connected with the ocean.

He said he had heard of the decisions in Kentucky, and knew they were complained of, and perhaps the jurisdiction had been asserted further than the application of general principles to the localities of this country would justify. But, he said, he wished a judgment of the Supreme Court upon the case.

Mr. J. said he saw nothing to be alarmed at, in the exercise of this jurisdiction. It did not introduce a new code of laws. The law of maritime contracts is the same in all the States, and, indeed, in all commercial countries.

He said these courts have unquestionable jurisdiction over all civil causes arising between cities of different States; so that the gentleman could only deny the jurisdiction of the district court over the citizens of the same State; and, with regard to the right of trial by jury, mode of proceeding, and form of execution, he understood they were conformable to the laws of the States.

The real cause of complaint, in that State, he understood to be the application of maritime law and liens to steamboats, and the distance of the courts from the parties. He had given the bill from the Senate, limiting the jurisdiction to tide water, some attention, in the Judiciary Committee. He was satisfied the bill could not pass without discussion, and could not pass this session. In the mean time, he thought the courts ought to be held at the most convenient place.

Mr. J. T. JOHNSON, of Kentucky, said he felt considerable embarrassment on this, as well as on other occasions, in addressing the House—more especially at this late period of the session, when time is precious. But feeling it his peculiar duty to oppose the measure under consideration, he felt assured he should be pardoned in submitting a few observations.

I am not only, said he, opposed to the measure, in principle, as a violation of the Constitution, and as impairing State rights, but my immediate constituents are interested, and opposed to its adoption. The House will recollect, that the District Court of the United States for the District of Kentucky, is located in Frankfort, the seat of government of that State. That court has exercised admiralty and maritime jurisdiction upon contracts springing from the trade carried on between the different States, upon fresh water navigable streams; which trade had no connexion with the ocean. Upon a careful examination of this subject, with reference to the Constitution and laws of the United States, and the authorities bearing upon it, I feel convinced that the jurisdiction thus exercised is unwarranted, and of dangerous tendency. Upon many other subjects, involving State sovereignty and State rights, in the remotest degree, gentlemen have displayed great sensibility. A thorough investigation of this subject, has convinced me that this is a proper occasion for gentlemen to feel sensitive, and to display their eloquence and their talents.

I am well aware that Constitutional violations, and a disregard to State rights, have been so frequently involved in our discussions, that, whenever they are mentioned, many gentlemen are disposed to consider it mere rant; and, without a just discrimination, such arguments have a fatal tendency.

We are told, that the passage of this bill will have no effect to sanction the exercise of admiralty and maritime jurisdiction, beyond the Constitu-

tional limit. I differ with gentlemen in this construction. I contend that no maritime cases can arise from the interior commerce; consequently, no admiralty jurisdiction can be exercised in Kentucky. For there is no commerce existing in that State, so far as I am informed, which, by continuation of the same voyage, is directly connected with the ocean. If the position be correct, that we have no such cases, or that very few, by possibility, may arise, a sufficient inducement is not furnished to impose upon the judge this additional burden of riding fifty or sixty miles, to hold a separate court. If we are prepared to increase the labors of the judge, we should be prepared to incur the additional expense, and increase his salary in a corresponding degree, and to meet other expenses incident to this measure.

A bill has been reported by the Committee on the Judiciary, defining admiralty and maritime jurisdiction, and excluding from its operations all contracts concerning the trade or commerce carried on within the interior of any State or Territory of the United States, upon navigable waters, when such trade or commerce stops short of, or is limited to, the ebb and flow of the tide. This seems to be conceded, as containing the genuine construction of the Federal Constitution, which gives this jurisdiction to the courts; the inevitable result of which is, to deprive the courts of the interior of the rightful exercise of this power.

But, my friend from Louisiana (Mr. J. S. JOHNSTON) has observed, that we ought to leave it with the courts to decide the extent of Constitutional power in regard to this subject. Have we not an equal and even a paramount right to explain and define Constitutional grants of power? Is not this power involved and exercised in every legislative act of this body? The courts exist alone by legislative enaction: and we prescribe to them their respective orbits. We have the unquestionable right, and it is our duty to exercise it. Experience has proven, that there is no subject which more imperiously demands our control. The Supreme Court of the United States has decided the necessity of legislative interposition in questions of this description.

In a famous criminal prosecution, which occurred some years since in the State of Massachusetts, they decided that Congress alone possesses power to extend or limit the jurisdiction of the Admiralty Courts. The crime of murder was committed in a vessel of the United States in the port of Boston, within the ebb and flow of the tide, yet the court decided, that, as the crime was committed within the jurisdictional limits of a State, they had no jurisdiction, as Congress had not provided for such a case. This decision seems to be founded upon respect for the sovereignty of the States. They did not believe the power was given to them by that clause in the Constitution which gives to the courts of the United States the decision "of all cases of admiralty and maritime jurisdiction," without an act of Congress. I am supported in my position by this high authority, not only as to the right, but the absolute necessity of legislative provision.

Every State in this Union is deeply interested in this great question. It affects them vitally, and should awaken their energies.

We are also told that great inconvenience would result to various parts of the United States, if we were to define and limit admiralty jurisdiction to contracts arising from the commerce of the high seas. If such a construction is to be given to this clause in the Constitution, as to vest in the courts of the United States a control over the commerce of the interior navigable streams, upon the ground of expediency, the same argument would extend the like jurisdiction to the commerce by land. And thus you would have not only your steamboats, and other small craft, subject to this jurisdiction, but your wagons, &c.

But I deny that inconvenience results from the doctrine which I advocate. For, there is more safety in State regulations than in the customs of foreign courts, by which code Admiralty Courts are governed. Our trade has long safely reposed under this system, and it has suffered no inconvenience for the want of an Admiralty Court.

To test the correctness of these declarations, let us attend to some of the consequences resulting from this maritime code. We have been taught to consider the trial by jury as the greatest safeguard to personal rights, as well as to the rights of property. But this maritime code recognises no such right as trial by jury. It is the peculiar province of those courts to decide both the law and the fact. Shall this important branch be abandoned upon the ground of convenience, when the Constitution of the United States guaranties it in criminal, as well as all civil cases where the amount in controversy exceeds the sum of twenty dollars.

When the bill was before us, increasing the jurisdiction of magistrates of this District from twenty to fifty dollars, it was opposed by the most decisive and eloquent appeals to the Constitution, in consequence of its dispensing with the intervention of a jury. These appeals were not made in vain; and the bill was so amended as to extend this right.

In Kentucky, this jurisdiction has embraced, in its wide scope, almost all cases touching the commerce of the interior navigable waters. It has been extended, as I am informed, to sums within the jurisdiction of the magistrate, equally with sums of the greatest magnitude. The bills of the tavernkeeper, who has furnished the hands with boarding; the account of the merchant, who has sold goods; the charges of the carpenters and mechanics, who have been employed in building the boats; the timber supplied from the forest; all crowded into the district court of the United States, as a Court of Admiralty, subject to all the rigor of its process before, and a different execution law after judgment, with a vast increase of expense. The State tribunals abandoned, although carried home to every citizen.

If the Federal courts can bring within their vortex all those cases, where will their jurisdiction stop? Look to the canal of New York. See the number of vessels gliding upon its bosom. With

the same propriety, this jurisdiction may embrace all contracts, express or implied, arising from this canal navigation; and this in defiance of State regulations. The same may happen in relation to every State in the Union that may adopt the policy of New York. The more we reflect upon this subject, the more we will be alarmed at this mighty power. Does Constitutional power depend on contingencies? Is the Constitution to be so construed as to suit the conveniences of to-day, or to avoid the inconveniences of to-morrow? Will we sanction that doctrine which makes necessity the arbiter of Constitutional law? If this be the correct rule of construction, then surely our written Constitution is but a rope of sand, not worth maintaining. This doctrine, so monstrous, should be exploded. Convenience and necessity govern us to-day, and the measure we adopt is in accordance with the Constitution! But, at a subsequent period, our condition is changed, and then the same measure becomes repugnant to that sacred instrument.

Here Mr. J. was interrupted by Mr. BRECKENRIDGE, who expressed a wish that the bill should lie on the table—that he had not expected any opposition to it.

Mr. J. said he felt no disposition to trespass on the time of the House unnecessarily. And, as his friend (Mr. BRECKENRIDGE) had signified his desire to lay the bill on the table, he would desist from further remarks, and submit that motion himself. That he had not anticipated any motion in regard to this measure, and was rather taken by surprise; and nothing but a sense of duty would have induced him to object to the passage of the bill.

The bill was accordingly laid on the table.

GENERAL APPROPRIATION BILL.

On motion of Mr. MCLANE, the House resolved itself into a Committee of the Whole on the state of the Union, Mr. CONDICT, of New Jersey, in the chair; the resumption of the bill making appropriations for the support of Government, yesterday under consideration, being the first business before the Committee.

The question pending before the Committee was on the motion of Mr. TRIMBLE, to insert an appropriation of twenty-five thousand dollars for the repair and preservation of the Cumberland Road.

Mr. MCLANE, of Delaware, suggested to Mr. TRIMBLE, whether it would not be better to allow the Committee to proceed through this bill, without pressing this amendment, and then take up the bill from the Senate, making the appropriation of twenty-five thousand dollars for the repair and preservation of the Cumberland road. Mr. MCL. was an advocate of this appropriation, and he would afford every facility to the prompt passage of the bill from the Senate. He thought this course would accomplish the object in view more readily than to persevere in the attempt to engraft the appropriation on the present bill with which it had no natural connexion.

Mr. TRIMBLE yielded to the suggestion of Mr. MCLANE, and withdrew the motion he had made to insert the appropriation for the Cumberland road.

Mr. WRIGHT thereupon renewed the motion which Mr. TRIMBLE had withdrawn, and followed it with some remarks in favor of the appropriation for the road.

Mr. MCLANE replied, to show that Mr. WRIGHT had misunderstood his object in suggesting the withdrawal of the motion, and that the course he had proposed would facilitate a decision of the appropriation for the road, and probably assist its passage.

Mr. A. SMYTH, of Virginia, rose, and proceeded to submit at large his sentiments in opposition to the constitutionality of the appropriation, and had spoken some time, when

Mr. WRIGHT rose, and intimated a wish to withdraw the motion he had made; but

Mr. SMYTH refused to yield the floor, and proceeded with his remarks. He continued to speak about an hour against the appropriation as unconstitutional.

Mr. S. spoke as follows: This, said he, is a proposition to make an appropriation of money for keeping a road in repair. No appropriation has yet been made for such a purpose; and, it is incumbent on the House to consider maturely the consequences which are to follow. This appropriation should not be made, unless it is the intention of Congress to keep this road in repair, forever, at the public expense; and not only this road, but the roads which may be made to Indiana, Illinois, Missouri, Arkansas, and Michigan. Congress are under no obligation whatever to repair this road; and it is no more expedient to do so, than it is to repair other roads within the United States.

Those who are of opinion that Congress have power to execute a system of internal improvement, may vote for this appropriation; and those who are of opinion that, although Congress have no power to make internal improvements, they may appropriate money for that purpose, may vote for this appropriation. It therefore becomes my duty, as I am altogether opposed to the measure, to combat each of those opinions, and to show, that Congress have no authority either to make internal improvements, or to appropriate money for that purpose.

We have been told, that Constitutional questions are too often raised in this House. However that may be, the question that now arises is one of doubt and difficulty, and claims the serious attention of Congress. The Fourteenth Congress claimed the power to make internal improvements. They passed a bill for that purpose, on which the late President (Mr. Madison) put his negative, being of opinion that they did not possess the power. At a meeting of the Fifteenth Congress, the present President communicated to them his opinion, that they did not possess this power. The question was discussed in the first session of that Congress; during eight days in March, 1818, it was debated, and this claim of power was advocated with a degree of ability perhaps seldom ex-

ceeded; when the following resolutions were severally rejected:

"*Resolved*, That Congress, under the Constitution, has power to construct post-roads and military roads." Yeas 82, nays 84.

"*Resolved*, That Congress has power, under the Constitution, to construct roads and canals, necessary between the States." Yeas 71, nays 95.

"*Resolved*, That Congress has power, under the Constitution, to construct canals for military purposes." Yeas 81, nays 83.

And so it was determined, on great deliberation, that Congress do not possess power to make internal improvements.

At the last session, a bill passed for erecting turnpike gates on the Cumberland road, which assumed the power necessary to make internal improvements. The President put his negative upon it, and returned it with his objections. On the question, "Shall this bill pass?" (the President's objection notwithstanding,) a majority of this House voted against it; and thus showing that the reason why the bill at first passed the House was, it had not received due consideration. The question whether Congress have power to make internal improvements, or not, is not only an unsettled question, but one of the greatest importance, and deserves the most patient attention and deliberation.

It has been contended that Congress have power to regulate commerce between the several States, and therefore may construct roads and canals. But the commerce here to be regulated is that *between* the several States. And it certainly was not intended by these words to confer on Congress power to make internal improvements. Had it been intended by the framers of the Constitution that Congress should have power to make internal improvements, it would have been conferred in an effectual manner; and they would not have been restricted to such roads or canals as crossed the boundary line between different States. Congress have no claim, under this clause, to power to regulate the commerce of the citizens of any State among themselves; and therefore could not, under it, assume power to make any improvements lying entirely within the boundaries of any State. The commerce between the States which Congress have power to regulate is the coasting trade, and duties on goods passing from one State into another. It was so understood by those who adopted the Constitution, and by those who recommended that adoption. One of the States, in adopting the Constitution, proposed an amendment "that no navigation law, or law regulating commerce, shall be passed without consent of two-thirds of the members present in both Houses." From which, it would seem that they considered navigation laws and laws regulating commerce as synonymous.

The Constitution declares that "no preference 'shall be given by any regulation of commerce or 'revenue to the ports of one State over those of 'another;" and a writer in the *Federalist* told the people that "a very material object of this power 'was the relief of the States which import and 'export through other States, from the improper 'contributions levied on them by the latter." The regulation of commerce means the laws respecting commerce; and it is a strange construction that it signifies power to make roads and canals.

It is said that roads and canals will facilitate making war; this Government may make war; and, therefore, as a preparation for war, may, in time of peace, construct roads and canals. Sir, if it is sufficient to authorize Congress to exercise a power, that it will *facilitate* the exercise of some one of the granted powers, I know not what subject will escape the powers of Congress. You have power to maintain and provide armies, and a navy; it would facilitate their maintenance to regulate the agriculture of the country; to prescribe to every landholder how much of his land he shall cultivate in wheat, how much in potatoes, &c.; so you may regulate the markets to prevent the too great increase of the price of provisions. It is said that roads and canals will facilitate and give security to commerce. If giving such facility and security is sufficient to authorize the assumption of power by Congress, we may take upon us to regulate the police, as well of the cities as the country, as this will facilitate and give security to commerce; we may even take upon us the administration of justice, and make void the State laws imposing taxes on mercantile licenses. But I contend that we have nothing to do with roads and canals; this power is not only not given to us, but was expressly withheld. It was proposed in the Convention that there should be a Secretary of Domestic Affairs, whose duty it should be "to attend to matters of 'a general police, the state of agriculture, and 'manufactures, the *opening of roads and naviga-'tion*, and the *facilitating* communications through 'the United States," who should recommend such measures and establishments as might tend to promote those objects. This proposition was rejected; and I have high authority for maintaining that powers thus refused are to be considered as withheld. When the appropriations for carrying the British Treaty were under consideration, the House of Representatives applied to the President, Washington, asking him to communicate certain papers having relation to that treaty; he refused, and assigned as a reason for his refusal, that a proposition had been made in convention that the House of Representatives should participate in the formation of treaties, which proposition was rejected. That the rejection by the Convention of a proposition to give power to this Government over the general police, roads, and navigation, is evidence that this Government does not possess such power.

It is said that we have power to establish post roads; that to establish, signifies to create; and therefore we may construct roads. Here I will observe, that whatever power you have in relation to roads is confined to post roads. For, if you may construct all kinds of roads, it was useless to give you a special power to establish post roads. But power is given you to establish post

roads; therefore you have no powers in relation to other roads. If it was even conceded that *establish* signifies *construct*, you would only have power to construct post roads; and a special power to construct post roads would destroy your claim to a general power to construct commercial and military roads. For here would be a special power in relation to roads delegated, and others not delegated would be considered to be retained. And if in this clause "establish" signifies "construct," you have no claim to the use of any roads as post roads, except those which you construct. But does "establish" signify *create* or *construct?* We should allow to this word the signification with which it was used by the framers of the Constitution. We read therein, of establishing justice; establishing this Constitution; establishing an uniform rule; establishing post offices and post roads; establishing courts; establishing offices; an establishment of religion; the establishment of this Constitution. *Establish*, as used by the Convention, uniformly signifies to give legal existence; it never signifies to build or construct by labor. The Convention formed the Constitution; but it is "we the people" who are said to establish it; and it is provided that the ratification of the conventions of nine States shall be "sufficient for the establishment of this Constitution," not for its formation or creation—that was done by the General Convention—but to give it legal existence. In this signification the word generally occurs in our public acts. A road exists, having been constructed for all who choose to pass thereon; it is a law which establishes it a post road. A port exists; it is a law that establishes it a port of entry. The departments of the Government are established by law. In the like sense this word was used in the Articles of Confederation, wherein the framers thereof speak of establishing rules, establishing courts, of regulations established, &c. In this sense the word was used not only by the first Congress, (whose construction, as a contemporaneous one, is entitled to respect,) but by every succeeding Congress, for thirty years. On looking into their acts, we uniformly find, "*And be it further enacted*, that the following be *established* as post roads, viz.," from such a place to such a place; thus proving that they considered a legal designation as the establishment of a post road, and not its construction.

The States have made the roads which are used as post roads, and they are kept in repair by laborers assigned by the State laws, or by turnpike companies. If you assume jurisdiction over those roads, what will become of the rights of those companies? If you have a right to the roads, will you not contend that the means of keeping them in repair follows, and that you therefore may command the service of the neighboring laborers? If you do not assume the exclusive jurisdiction, there will be an interference of authority; and concurrent jurisdiction cannot exist of the same thing at the same time. How was the Constitution understood, in this respect, by the people? It was understood that the States retained their internal police; and neither the friends nor the enemies of the Constitution ever alleged that the care of the roads devolved on the General Government. If the power of internal improvement is with Congress, and they may assume jurisdiction over the State roads, they may also seize on the State canals; and the great canal of New York may, (as an honorable member from that State, Mr. COLDEN, has suggested to me,) become the property of the United States, at a price to be fixed by a jury.

From the claim of powers, made on behalf of the Government to execute a system of internal improvement, I will pass to that other claim, recommended by high authority, of the power to appropriate the money of the people to effect objects which are not within the Constitutional powers of Congress. This doctrine seems to me to be not well founded, and dangerous, and cannot have my assent. The first opinion of the distinguished man who now maintains this doctrine was, that Congress possess no such power. This is a material circumstance; for he was present at the formation and adoption of the Constitution; and the opinion, which he then entertained of its meaning, is entitled to particular respect; his contemporaneous construction is to be preferred to a different one given thirty years after the adoption of the Constitution.

Perhaps there is no power granted by the people to this Government, which they would be more inclined strictly to limit, than the power of taxation. It is one, to the exercise of which, they always manifest great sensibility. Can it be that this cautious people, while they have carefully limited and prescribed the objects to which the powers of Congress shall extend, have granted an unlimited power to raise and appropriate money to objects to which the powers of Congress do not extend? Can they have granted to Congress power to take from their pockets, not only the money necessary to execute the Constitutional powers of the Government, but also as much more as Congress may please, for purposes which this Government has no Constitutional power to effect? I say, no. The people have granted no such power. Would the people have granted such a power, had it been explicitly asked of them? I say that they would have derided such a proposition; and had the Constitution contained a grant of such a grant of power, it never would have been adopted by them. It was declared to the people, that the power of taxation was limited, by the addition of the words, "to pay the debts and provide for the common defence and general welfare of the United States." Mr. Madison, in the Federalist, speaking of the objection made to this clause, says: "What color can 'the objection have, when a specification of the 'objects alluded to by these general terms imme-'diately follows, and is not even separated by a 'longer pause than a semicolon?" He quotes from the Articles of Confederation this clause: "All charges of war, and all other expenses that 'shall be incurred for the common defence and 'general welfare, and allowed by the United 'States in Congress shall be defrayed out of a

'common treasury," &c. And he adds, "What 'would have been thought of that Assembly, if 'attaching themselves to these general expressions, 'and, disregarding the specifications which as-'certain and limit their import, they had exercis-'ed an unlimited power of providing for the gen-'eral welfare?"

Congress are authorized to raise money by taxes, to provide for the general welfare; and the question which has arisen is, can Congress give money, to have done what they have no power to do? I maintain the negative. Congress are to provide for the general welfare, by executing their granted powers; the money, thus expended, is expended for the general welfare. But it may be contended, that Congress have power to raise money "to pay the debts, and provide for the common defence and general welfare;" and that "general welfare" means some thing more than defence. It does so. The debts were, perhaps, those then due; providing for the common defence, comprises the expense of armies, navies, fortifications, arsenals, arming the militia, &c.; providing for the general welfare has a more extensive signification, and comprises the expenses of the civil government, foreign intercourse, commerce, mint, post office, &c.

Sir, I hold that, if Congress have not power to do what the money is to be expended in doing, they have no right to appropriate it to that purpose. The first clause of the eighth section of the Constitution grants no other power than the power of taxation, which it limits. It contains no power of appropriation, or of application. The power to appropriate and apply the money, will be found either in some of the following clauses, or in the general declaratory clause, that Congress shall have power to pass all laws necessary and proper to carry into execution the granted powers. Congress are authorized to appropriate the money of the people no otherwise than by law; but this is not all that the people require; they require that "a regular statement and account of receipts and expenditures of all public money shall be published from time to time." It is not the appropriations made by law that are meant by this clause, it is the actual disbursements of the public money, of which an account is required by the people. If you call on one of the heads of Departments for the expenditures of his Department, would you be content with a list of the appropriations? I believe you would not. How shall this account of expenditures be obtained, when the money is expended by some State corporation on a canal or road? Sir, the people expect that their money shall be expended by the accountable officers of this Government, in the execution of the powers granted by them. We are the agents of the people, and no agent has a right to spend the money of his principal, otherwise than in the execution of his powers.

Congress are declared "to have power to make all laws which shall be necessary and proper to carry into execution" the granted powers. So far as respects the grants of power to Congress, this clause contains no new grant of power; so far as respects the powers vested in the Government, or in a department or officer of the Government, perhaps it does confer an additional power in Congress, and is a restriction on the powers granted to them. They shall pass no law even to carry into execution the powers granted to them, except such as is "necessary and proper" for carrying them into execution. Then, they cannot pass a law which is not necessary and proper to carry a granted power into execution, and which does not even relate to one of the granted powers.

"No money shall be drawn from the Treasury, but in consequence of appropriations made by law." An appropriation law, as well as every other law, must be necessary and proper to carry into execution some granted power. Unless it is so, it is not passed in pursuance of the Constitution; it is passed without authority, and is a violation of the Constitution. An appropriation law is no exception to the general rule, that laws must be necessary and proper for carrying into execution the granted powers. But who shall judge of the necessity and propriety of a law like this? I answer, the Congress, subject to an appeal to the people. Yet Congress judge under the obligations of an oath; and, when they pass a bill of this kind, they swear it necessary and proper to carry into execution some power of the Government. If Congress cannot pass other laws which are necessary and proper for effecting a certain object, they cannot pass appropriation laws for effecting such object. If the one is not necessary and proper, the other cannot be necessary and proper. If a law providing for the construction of a road is not necessary and proper to execute any power of the Government, a law to expend money on the construction of such road, is not necessary and proper to the execution of such power.

It is said that money may be appropriated to build courthouses and custom-houses. That is very true; without courthouses courts cannot be held; and the regulations of commerce, and the collection of duties, render custom-houses also necessary. But the President, who is charged with the execution of the laws, declares that a power to construct roads is not necessary to the execution of the power to establish post offices and post roads; and this evidence confirms our experience. Let the contracts be made conformable to the state of the roads in the country.

Power is claimed to appropriate money to make military roads in time of peace. The powers which may be exerted in time of peace, by way of preparing for war, are enumerated. Armies may be raised, a navy provided, the militia armed, and arsenals filled with munitions of war. But the powers which grow out of a state of war, cannot be exercised in time of peace. In the time of war, the defenders of this nation have the same power as the defenders of other nations, except where the Constitution or law declares the contrary. An army may then march where it is necessary, may take down fences, or cut down woods, and, consequently, may construct roads;

but such powers cannot be exercised in time of peace.

If the doctrine which some contend for, that Congress may appropriate money to effect objects which they have no Constitutional power to effect, shall prevail; when ten millions are raised for the execution of the Constitutional powers of the Government, one hundred millions may be raised for objects with which this Government has no concern. Under pretence of kindness for the States, we may take their legislators, and all their officers, into our pay; and raise millions without necessity, in the indulgence of a wanton lust of power. Money is the means of executing power; this means is granted to Congress to enable them to carry into execution the powers delegated by the people. To grant the means without the power, seems to be preposterous.

It has been said that the people will have no right to complain of the appropriation of money which has previously been raised from them. But the appropriation of money to purposes to which they have not authorized its application, is a misapplication of the money of the people; it must occasion a resort to taxes to replace the money misapplied, when wanted for Constitutional purposes. The Government holds the money of the people in trust, to apply it as may be necessary and proper for the execution of certain powers; and they have a just right to complain, if it shall be misapplied. It has been said that the people may turn out their representatives; and this is relied on as a sufficient security that they will prudently apply public money. If this was good reasoning, it would be sufficient to provide for frequent elections only, and leave legislation to the unlimited discretion of the Congress, as the people may turn out their representatives: But the people require the security of a written Constitution, and enumerated powers, which shall not be transcended.

Congress have, or they have not, power, granted by the Constitution, to effect a given object: If they have not such granted power, I contend that the object is not to be effected by indirect means. The power to effect such object, (not being delegated to Congress,) and the authority to decide whether it shall be effected or not, remains with the States, or the people to whom it is reserved. This power, to expend money on roads and canals, not being granted, is retained; and we have no more right to use it than if it was specially retained. Can you commission and train the militia because it would facilitate making war? No, certainly; for those powers are specially retained; and, as all powers not granted, are generally retained to the States or the people, they can no more be exercised by this Government, on the ground of expediency, than if they were specially retained.

Precedents have been produced to show that we have authority to make this appropriation; money has been appropriated for the purpose of making roads through the Indian country; they were perhaps necessary; and there was no State authority to make them. The appropriation for making a road from Nashville to Natchez, has been practically relied on; that appropriation was constitutionally made; that road was opened in pursuance of a treaty with the Chickasaws. We may pass laws to carry into execution any power of the Government; and consequently may make appropriations to carry a treaty into effect. The appropriation of fifteen millions to pay for Louisiana, in pursuance of a treaty, was Constitutional. We are told of the Indian trading-houses; these were established by the power to regulate commerce with the Indian tribes. We have erected beacons, piers, and lighthouses, by the powers to regulate commerce, provide a navy, and to erect "needful buildings."

I come now to the Cumberland road. We are told that, if Congress had power to make the road, they have power to keep it in repair. I must contend that that does not follow. The Cumberland road was made in pursuance of a compact with the State of Ohio, by which the United States agreed to expend two per cent. of the proceeds of the sales of land in that State, in making roads leading to that State. Our engagement was to make the road; but we have not engaged to keep it in repair; and are under no more obligation, and have no more authority to keep this road in repair, than any other road. I will justify the appropriation made for the construction of the Cumberland road. Congress are authorized "to dispose of, and make all needful rules and regulations respecting the territory and other property belonging to the United States." Now, I apprehend, no regulation can be more "needful" than one which preserves to the United States a title to their property. Is it certain that, admitting a new State into the Union on an equal footing, in all respects, with the original States, would not vest in the State the domain? Would it not operate like an acknowledgment of the independence of a colony? Be that as it may, Ohio, by this compact, surrendered her right to tax, during five years, the land which the United States might sell, and thus gave an equivalent for the two per cent. which the United States engaged to disburse, in making roads leading to that State. To make needful regulations respecting the public lands, is a granted power. Congress may pass the necessary laws to execute that power; and consequently may pass appropriation laws for executing this "needful regulation," this compact with Ohio. Thus the appropriations for making the Cumberland road appear to have been Constitutional, and appropriations to keep it in repair would be equally so, if the compacts had so provided. But we have performed our part of that needful regulation, and it sanctions no further appropriation.

Why should we make an appropriation for the repair of this road, rather than for the repair of the road passing Richmond to Savannah, or that passing Knoxville to New Orleans? Oh! it is said, we have expended $1,800,000 on making this road, and, therefore, we should repair it. Sir, if we have already expended near $2,000,000 on a road for the benefit of the inhabitants of a particular

section of the United States, I cannot perceive that that furnishes an argument why we should continue to expend money in this way, for their benefit exclusively. If we have done ten times more than our duty required, on this road, that furnishes no argument for our doing still more An honorable member from Pennsylvania, (Mr. STEWART,) has told us of the immense quantity of produce carried along the road, for the city of Baltimore, and the great increase of the value of the crops of his constituents, in consequence thereof. Well, as this Government has made the road, it is not too much to expect the State of Ohio, the city of Baltimore, the constituents of the gentlemen, and all others particularly inter ested, to provide funds for keeping it in repair.

We have no property in, or jurisdiction over, the Cumberland road; we asked nothing of the States, but their consent to make it; and that was more than it was necessary to ask; for any one who has funds at command, may make a road from this place to Boston, without the consent of any State. The States could neither grant jurisdiction nor private right. The act for laying out and making this road, after providing that commissioners shall present to the President a plan and report, goes on to say, "if he accepts, he is 'further authorized and requested, to pursue such 'measures as, in his opinion, shall be proper, to 'obtain consent for making the road, of the State 'or States through which the same has been laid 'out. Which consent being obtained, he is further 'authorized to take prompt and effectual measures 'to cause said road to be made," &c. We engaged to make the road; we asked consent to make it; we obtained consent, and have made the road; and now we have nothing more to do with it. This road, like all others, should be kept in repair under the road laws of the States.

This road, although doubtless beneficial to a part of the people of the United States, is injurious to others. It diverts travelling and commerce from other routes, along which, were it not for this application of public money, they would pass. If it greatly benefits one city, it must, at the same time, injure others. To keep it in repair, at the expense of the Treasury, would be to impose a tax on all, for the exclusive benefit of some. He hoped that the appropriation would not be made.

Mr. WRIGHT then withdrew the amendment, and the Committee proceeded with the bill.

The blanks in the items of appropriation which precede the paragraph making appropriation for continuing the location of the Western road, under the act of 15th May, 1820, being filled up—

Mr. HARDIN moved to strike out that item.

After some remarks by Mr. McLANE and Mr. ROSS, Mr. HARDIN withdrew his motion.

Mr. RHEA renewed the motion to strike out; whereupon,

A debate arose, involving the right and policy of the General Government to make any farther appropriation for reads leading to the States, respectively, to which roads are made under the two per cent. fund reserved from the sales of public lands, under the act of the fifteenth of May, 1820; in which Messrs. McLANE, FLOYD, RHEA, ROSS, STEWART, WHIPPLE, FORWARD, McCOY, RANKIN, TAYLOR, and COOK, engaged.

Before concluding the debate on this point, the Committee rose, and the House adjourned.

MONDAY, February 17.

Mr. POINSETT presented a memorial of the Board, created by the Legislature of South Carolina, for the establishment of a municipal guard for the protection of Charleston and its vicinity, praying that the consent of Congress may be given to an act of the Legislature of South Carolina, passed on the twenty-first day of December, A. D. eighteen hundred and twenty-two, entitled "An act to establish a competent force to act as a municipal guard for the protection of Charleston and its vicinity.

Mr. ALLEN, of Massachusetts, from the Committee of Accounts, who were, on the 11th of December last, instructed to inquire and report what part of the contingent expenses of this House can be curtailed, without detriment to the public service; and to revise the system pursued by the officers of this House in disbursing the contingent fund; and to inquire and report whether any further restrictions, responsibilities, or checks, are necessary for its disbursement, made a report thereon, accompanied by a joint resolution requiring from the Secretary of the Senate and Clerk of the House of Representatives an annual statement of the expenditures from the contingent fund of the two Houses; which resolution was read twice, and ordered to lie on the table.

Mr. ALLEN accompanied the above-mentioned report with the following resolution, which was laid on the table until to-morrow:

Resolved, That so much of the 53d rule of the House of Representatives as requires the Committee of Accounts to audit the accounts of the members for their travel to and from the Seat of Government, their detention by sickness, and their attendance in the House, be repealed; and that such accounts be, hereafter, audited and settled by the Speaker.

Mr. McCOY, from the Committee of Claims, made a report on the petition of Charles M. Collier, accompanied by a bill for his relief; which bill was read twice, and committed to a Committee of the Whole.

Mr. McCOY, from the same committee, made a report on the petition of Polly L. Campbell, widow of John B. Campbell, accompanied by a bill for her relief; which was read twice, and ordered to be engrossed, and read a third time to-morrow.

Mr. NELSON, of Maryland, moved to take up the report in the case of Sarah Easton and Dorothy Storer; and, on the question to agree thereto, it was decided in the negative.

Mr. STERLING, of New York, moved to take up the bill for the relief of Samuel Hooker; and, on the question, the vote was against considering it.

Mr. JOHNSTON, of Louisiana, offered the following resolution, which he wished to lie on the table one day:

Resolved, That the Committee on Naval Affairs be instructed to provide two steam batteries for the defence of the Mississippi river.

An engrossed bill to alter the times of holding the district court of the United States for the district of Vermont, was read a third time, and passed.

The engrossed bill for the relief of Henry Lee, one of the sureties of John Ricaud, was read a third time, and passed.

A Message was received from the PRESIDENT OF THE UNITED STATES, as follows:

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives, of the 17th December, requesting the President to communicate to the House a statement of the amount expended for the current expenses of the Ordnance Department, during the years 1817, 1818, 1819, 1820, and 1821, and as much as can be shown for the year 1822; with the items for which the money was expended; the place where, and the persons to whom paid; what quantity of timber has been procured for gun-carriages and caissons, its cost, annually, and where deposited; the quantity of ordnance, of every kind, that has been procured during those years, or paid for; and the whole amount of arms, of every description, now belonging to the United States; the sum expended in the purchase of sites for arsenals, since the peace, the cost of the buildings erected thereon, and whether all those arsenals are necessary for the service of the United States; I transmit a report from the Secretary of War, with the documents mentioned therein, which contain the information desired.

JAMES MONROE.

FEBRUARY 17, 1823.

The Message was read, and ordered to lie on the table.

The SPEAKER laid before the House a letter from the Secretary of War, transmitting a report, accompanied by a statement from the chief engineer, which affords the information called for by the resolution of this House, of the 6th instant; which letter, &c., were laid on the table.

Mr. SLOANE, from the Committee on Elections, reported that ANDREW R. GOVAN and HENRY H. BRYAN are duly elected members of the House of Representatives; which was ordered to lie on the table.

Mr. CONDICT rose and said that he thought the time had arrived when the House ought to dispense with further material reports from its committees, and agree to meet at an earlier hour. If he thought a motion to that effect would be disposed of without debate, he would offer it; and he did move that the House, until otherwise ordered, meet at eleven o'clock in the morning.

The question was taken on this motion, without debate, and agreed to—yeas 76.

Mr. JACKSON, of Virginia, offered the following resolution:

Resolved, That the Secretary of the Treasury be instructed to communicate to Congress the amount of money appropriated for the road from Cumberland to Ohio, designating what proportion of the same was expended in the surveying and location, construction and repairs, of the road: also, what part of it was paid to superintendents and their assistants for miscellaneous and contingent purposes; and whether any part thereof is yet unaccounted for, remains due upon settlements, and have been carried to the surplus fund.

This resolve, on the motion of Mr. J., was agreed to by general consent.

Mr. CAMBRELENG laid the following resolution on the table:

Resolved, That the Committee of the Whole be discharged from the further consideration of the petition of Jacob and Henry Schieffelin, of New York; that the same be referred to the President of the United States; and that he be requested to afford to the petitioners, in the prosecution of their claim on the British Government, such assistance as the nature of the case may require.

APPORTIONMENT OF MIDSHIPMEN.

Mr. FULLER, from the Committee on Naval Affairs, who were instructed to inquire into the propriety of ordering a more equal selection of midshipmen for the Navy of the United States, made a report thereon, adverse to the objects contemplated in the inquiry; which report was read, and ordered to lie on the table. The report is as follows:

By the second section of the second article of the Constitution of the United States, the President is vested with power, by and with the advice and consent of the Senate, to nominate and appoint all officers, whose appointment is not otherwise provided for by the Constitution; thus giving him the exercise of his discretion, without any limitation as to place of birth or residence, in such appointments. This latitude in selecting persons of suitable character and qualifications, must have been deemed indispensable, to enable the Executive power to fulfil the high trust of providing for the "faithful execution" of the laws, and at the same time involves a responsibility which would have been considerably diminished by such a restriction as is suggested by the resolution. In appointing officers in the civil department, for the performance of duties which are local in their nature, the committee believe that a regard to the circumstance of residence, and of the political and individual relations of the persons selected, must frequently be among the considerations most important to a just decision. Nor is there any reason to doubt, that a due regard to this consideration, in accordance with local predilections, and the spirit and genius of a free people, has guided the Executive of the United States, as far, hitherto, as the public good requires.

In the Army and the Navy, less scope is afforded to the Executive, in filling the higher grades of service, as long established usage limits the selection of suitable persons to an inconsiderable number, whose education and probationary character are deemed to render them the only subjects of such selection. It is only in the appointments to the lower grades, from which, at a future day, the highest ranks of the military and naval corps are to be filled, that the utmost latitude is afforded to the President, for consulting the future interest of the country, by enrolling in her defence an adequate number of brave, intelligent, patriotic, and virtuous officers; and the committee are of opinion, that any restriction, by law, even if permitted

by the Constitution, would be highly pernicious in its operation, and might often result in the appointment of persons incompetent and unsuitable.

In regard to the appointment of midshipmen, the particular subject of the present inquiry, it appears, by the letter of the Secretary of the Navy Department, accompanying this report, that a disposition sufficiently favorable to a general and fair participation of naval preferment has constantly pervaded that Department, and has been no otherwise counteracted than was unavoidable, from circumstances beyond its control.

The committee fully concur in the propriety and policy of enrolling in the naval service the meritorious young men of the interior States, whenever they manifest a solicitude to enter it; and they are persuaded that such a disposition on their part has always been encouraged, and will continue to be so, as far as a due regard to the Constitutional discretion and responsibility of the Executive will permit. They, therefore, recommend the following resolution:

Resolved, That any provision, by law, restraining the Executive of the United States, in the selection of midshipmen, is inexpedient.

Navy Department, *Jan.* 26, 1823.

Sir: In answer to the inquiry, in your letter of the 21st instant, whether any general rules are adopted in the Department, by which the selection of midshipmen is made, particularly as relates to their residence, I have the honor to state, that the general rule, by which I have been governed in this respect, is, to apportion them among the several States, according to the ratio of representation in Congress, when the applicants were unexceptionable as to character and qualifications for the service. The disproportion, however, was so great, that I have not, as yet, been able to bring about an apportionment among the several States, according to the rule alluded to. But as, in all new appointments, due regard is had to the principle, the object will, before long, be effected. Whether it would be expedient to adopt, by law, this rule, leaving no discretion on the subject to the Department, may well be questioned. Although the applicants, in the aggregate, are very numerous, yet there are some States from which there are but few; and if the Department should be bound by law to conform, in all cases, to this rule, the selection might not always be of the most deserving and best qualified.

I have the honor to be, &c.

SMITH THOMPSON.

Hon. Timothy Fuller,
Chairman Naval Committee.

VICE PRESIDENT'S ACCOUNTS.

Mr. Trimble rose, and said, if the motion he was about to make was not in order, or if any gentleman had a motion to make which would take precedence of his own, he hoped it would be waived, as a personal kindness to himself, and that the House would take up the bill providing for the adjustment of the accounts of (the Vice President) Daniel D. Tompkins, late Governor of the State of New York. The question being put,

The House agreed, by unanimous consent, now to consider the bill; and Mr. T. moved that it be engrossed and read a third time.

Mr. Floyd, of Virginia, moved that the bill be amended so as to refer the adjustment of the accounts of Mr. Tompkins to the Secretary of War, instead of the Secretary of the Treasury. He did so because he conceived that the character of this case was extraordinary, and the circumstances in which it originated, and to which he referred, were peculiar; and because he wished, by not referring it to the ordinary department for such adjustment, that it should be kept separate and distinct from the great mass of applications of a similar kind, and not form a precedent for others, hereafter, which might possess a pretended analogy to it, &c.

Mr. McCoy agreed with his colleague in the reasons he gave for the amendment, and was in favor of it.

The amendment was opposed by Messrs. Trimble and Hamilton, members of the committee which reported the bill. The committee had given a due attention to the circumstances which had been referred to, and had, from a view of all the circumstances, concluded it best to report the bill in its present shape.

Messrs. Mallary, Cambreleng, Sergeant, and Hardin, likewise, for various reasons of expediency, opposed the amendment, and Mr. Floyd replied in its support.

This amendment was not controverted from any difference of opinion, amongst the gentlemen who spoke, as to the propriety of authorizing the adjustment of the Vice President's accounts in the most liberal manner, or on the merits and services of the eminent individual concerned, for in that there was no disagreement; but, in addition to the consideration stated above, the discussion turned chiefly on the propriety of one reference more than the other, the facilities which one would afford more than the other, &c. In the course of the discussion the gentlemen, generally expressed their sentiments of respect for the public services of Governor Tompkins. These sentiments were expressed with particular emphasis by Messrs. Hamilton and Floyd.

Mr. Hamilton, among other remarks, said that while the bill guarded the pecuniary rights and interests of the United States, it comported with the obligation to discharge the debt of gratitude which the nation owed to the distinguished individual who had, with such a manly devotion stepped forth and offered every sacrifice and every hazard in the service and defence of his country in the hour of danger. He had no fear that a similar case would ever present itself again. It must at least be long before such a case could occur, for it was not to be expected that the Treasury of the nation would again become bankrupt; that its credit would be prostrated and invasion be threatened; and it could only then occur that an example like that of Governor Tompkins could again happen.

Mr. Floyd, in the course of his remarks, said he hoped, indeed, it might be long before such another case should occur—before it should be necessary to have such a man to expend the money of the nation under similar circumstances when the Treasury was exhausted, the country in

danger; when blue lights were along our coast, and the enemy on our borders. He entertained the deepest sense of the services of Governor Tompkins; he would be glad, indeed, to reward the signal patriotism of that man; and, if it were Constitutional to do so, would agree to make him an ample donation for his public service. That, however, being out of the power of Congress, he would provide at least for the equitable adjustment of his accounts, &c.

The amendment offered by Mr. FLOYD was negatived; and then—

The bill was ordered to be engrossed, and read a third time *nem. con.*

GENERAL APPROPRIATION BILL.

The House then again resolved into a Committee of the Whole on the state of the Union, on the unfinished business of Saturday, being a bill to make appropriations, in part, for the support of the Government—a motion pending to strike out the proposed appropriation of $10,000 for continuing the location of the Western National road from Wheeling to the Mississippi.

Mr. ALEXANDER, of Virginia, rose, and observed that he thought the motion then under consideration raised a question of considerable importance to the nation, and should not be slightly passed over. He confessed the surprise which he felt at finding in this bill a clause so obnoxious, when the gentleman from Kentucky (Mr. HARDIN) rose in his place with a view to strike it out. However much disposed he was to grant the necessary appropriations for the support of Government, he could never sanction it with this provision, believing, as he did, that it was repugnant to the principles of the Constitution. It had, in his opinion, no more right here than the proposition made some days since, by a gentleman from Kentucky, (Mr. TRIMBLE,) for the repair of the Cumberland road. He could not consider it in any other point of view than as the same question. It was, in fact, the very principle which was, on that occasion, so ably combatted by his colleague, (Mr. A. SMYTH,) in denying to this Government a power to appropriate money without regard to the specific objects of the Constitution. To say that the power to appropriate was equal to the power to raise money, was, to his mind, assuming the whole ground, and more alarming to the friends of State rights than any doctrine which the wildest politician could conceive. And such was the growing opinion of the day, against which he must claim the right of entering his most solemn protest. It was at war with the principles of '98 and '99, which produced a new order of things in this Government; it was at war with the best interests of the States, whose friends distinctly saw, under this broad construction of "common defence and general welfare," a total annihilation of their rights, and consolidation of Government with the enormous powers of unlimited control over the sword and the purse. Such is now the language of this new, or rather old doctrine, which was once repudiated, but has again been brought into review, and adopted as the only sound construction to give efficacy and coherence to every part of the Constitution.

We find the President, in his Message to this House, at the last session, after denying to Congress a Constitutional power over the subject of internal improvements generally, in conclusion, holding this language in justification of the power now in question: "A power," says he, "to lay 'and collect taxes, duties, imposts, and excises, 'subjects to the call of Congress every branch of 'the public revenue, internal and external; and 'the addition to pay the debts and provide for the 'common defence and general welfare, gives the 'right of applying the money raised; that is, of 'appropriating it to the purposes specified, accord-'ing to a proper construction of the terms."

Now, this position in relation to the objects of the Constitution, is perfectly intelligible, and no one is disposed to controvert it. Nay, sir, I will go further, and say, that, whenever it can be shown to be necessary to an incidental power in the execution of a principal one, it is equally given. And here I use the word *necessary*, in its common, actual signification, and not as convenience or circumstance may suit. But what do we hear in the very next breath? Why, "that the 'use or application of the money, after it is raised, 'is a power altogether of a different character. 'It imposes no burden on the people, nor can it 'act on them in the sense to take power from the 'States, or in any sense in which power can be 'converted, or become a question between the two 'governments." Now, if I understand the argument, it is this—that where money had been raised, by imposing burdens upon the people, for the legitimate purposes of the Constitution, the burden removed, it may be applied to other objects, since it is for their benefit, and no question as to power can ever afterwards arise between them and the Government. The force of this reasoning, I confess, is beyond my comprehension, and, with great deference, I must be permitted to say, appears to be of the most extraordinary character. If any greater latitude were to be claimed or desired, by the friends of power, I am at a loss to conceive where it could be more completely and satisfactorily sought for; and, for the improper use or application of money thus rightfully raised, we are told, there is no other responsibility than that which a representative owes to his constituents, in ordinary cases of legislation, for an abuse of his trust. On me there rests a much higher and a greater responsibility—that which I owe to the Constitution of my country.

To show the manner in which that appropriation is justified, and the extreme and dangerous power to which it has been found necessary to resort, for the purpose of sustaining it, let us pursue the Message a little further: "If," continues it, "we look to the second branch of this power, 'that which authorizes the appropriation of the 'money thus raised, we find that it is not less gen-'eral and unqualified, than the power to raise it. 'More comprehensive terms than to pay the debts 'and provide for the common defence and gene-'ral welfare, could not have been used."

More general and comprehensive terms, I admit, could not have been used; but they are used merely as terms, and not as substantive, independent, general powers, upon which they have to rely for existence. What says the Constitution? Congress shall have power to lay and collect taxes, duties, imports, and excises; (a general power) to do what? To pay the debts and provide for the common defence and general welfare of the United States; a power resulting from the general one going before, and applicable to every specific grant in the Constitution. The common defence and general welfare here, is a general term, or auxiliary power, as contra-distinguished from a general power, which must depend upon, and have relation to, every general power, or specific purpose in the grant. For instance, to raise and support armies is a general power, in which is included the common defence and general welfare. The same may be said of the power to provide and maintain a navy, &c.

That such has been the construction put upon the terms, I would appeal to the debates of the Republican party at the time of the repeal of the famous judiciary act, in Mr. Jefferson's administration. This clause was then relied upon as a general power, and called to the aid of the measures of the Federal Administration which had just expired. On that occasion, Mr. Giles, in a speech distinguished for ability, clearness, and precision, (to which I would refer the House, more particularly as I have not it at hand, but presume it is distinctly within the recollection of the gentleman over the way, from Pennsylvania, [Mr. Hemphill,] who was then, as he is now, on the other side of the question, and it is not at all a matter of surprise to find him the foremost in these measures of general and extensive powers,) entered into a minute history of the Government, and the rise of parties, and showed, most satisfactorily and conclusively, that this power was a mere auxiliary one, and referred itself properly to every specific grant of the Constitution.

Nor, does it, in my view, by any means follow as a necessary result, that the power to appropriate should be equal to the power to raise money; and, because the Convention failed to limit, in express terms, either the one or the other, a presumption is therefore raised in favor of such a construction? The power to raise money is one inherent in every Government, and may therefore be well conceived to be general, because it would be impossible to say as to what objects it ought to be limited at any one period, and what amount would be exactly necessary to carry on its operations. But the argument does not hold to the same extent in the application of the money, which would seem to form the grand distinction between a Government of general and limited powers. I contend that the power to appropriate money is a resulting one merely, (which has been admitted,) and can never exist until the principle has been brought into action; and then it is, ipso facto, as much limited in its operations as if it had been so defined and expressed in the grant. No restriction, therefore, was necessary, and the Convention must have considered the use of the money as sufficiently controlled, and entirely limited by the objects in the Constitution. To make myself better understood, I will put a case by the way of illustration. Suppose a member were to bring in a bill to raise money for an object, (for instance, a bill to raise money for the protection of domestic industry,) the title of which clearly showed that it was unconstitutional. Will any one pretend to say that it should not be considered in relation to the effect intended to be produced, which, of itself, would form an insurmountable objection to its passage? I presume not. And here we find this general power is even controlled by the Constitution, while it is designed to give greater force and dignity to that of the inferior. But they are, in fact, both equal, as to the essential purposes of the grant, in the eye of the Constitution, and can be said to differ in degree merely, the one being general when the objects and amount of taxation are in question, while both are limited in the sphere of their operations. Where, let me ask, would the opposite deduction lead us? Precisely to the point at which the Message has arrived, "that, like the power to declare war, this power should be commensurate with the great scheme of the Government, and with all its purposes." And here we have the power of the sword and the purse, with a vengeance.

In vain did Henry, and Mason, and Grayson, raise their voices to warn the people of the danger which they distinctly foresaw impended from the constructive powers that might be given to this clause, of "common defence and general welfare." In vain did they declare to the world that but few rights were left to the States, those of their police, their poor, their schools, their roads and their rivers. And so conscious were they of the instability of all human institutions and human opinions—so devoted to the rights of the States, and the rights of the people, that they never ceased in their exertions till they saw it expressly declared in the grant, that "all powers 'not delegated to the United States by the Consti-'tution, nor prohibited by it to the States, were 'reserved to the States respectively, or to the 'people." And what do we now see? That even these few, secure as they might have been supposed, are about to go overboard, at one "fell swoop," from the strained and latitudinous construction given to this clause of the Constitution. This, Mr. Chairman, is one side of the picture, which, however I am disposed to respect, I must respect the more the other, its counterpart, that I now hold up to your view. This was drawn by Mr. Madison, in 1799, at a time when the lineaments of party, and the powers of the two governments, were distinctly marked out—a period at which the mind naturally shrinks back upon itself with horror at the monstrosity of the alien and sedition laws, long ago condemned to infamy and shame, by the universal execrations of mankind; and no one now dares avow himself their advocate. It was this report that gave a republican character to the State which I in part represent, and Kentucky was then among the foremost

to proclaim its truth—it was acknowledged by the nation, and a revolution succeeded in the history of this great Republic. It has been the manual of my earliest political life, and, I trust, will remain with me till the day of my death. As yet, I have not been convinced of its error, either from argument, experience, or from any other cause.

The House will then pardon me, and I crave their indulgence, while I read from it some extracts, much better expressed than any thing I can say, and strictly applicable to the subject now under consideration. [Here Mr. A. read from the report, to show that the construction contended for, was calculated to destroy the particular enumeration of powers.] He called the attention of members, particularly those who lately denied to this Government power over a subject which had agitated this House and this nation, as a justification of their views, as well as those found in the ranks of the adverse party, styling themselves Republicans, to the following paragraph:

"To these indications might be added, without looking further, [continues the report, in speaking of this power,] the official report on manufactures by the late Secretary of the Treasury, made on the 5th of December, 1791, and the report of a Committee of Congress, in January, 1797, on the promotion of agriculture. In the first of these, it is expressly contended to belong to the discretion of the National Legislature, to pronounce upon the objects which concern the general welfare, and for which, under that description, an appropriation of money is requisite and proper. And there seems to be no room for a doubt that, whatever concerns the general interest of learning, of agriculture, of manufactures, and of commerce, are within the sphere of the national councils, as far as regards an application of money." The latter report assumed the same latitude of power in the National Councils, and applied it to the encouragement of agriculture, by means of a society to be established at the Seat of Government; although neither of these reports may have received the sanction of a law carrying it into effect, yet, on the other hand, the extraordinary doctrine contained in both, has passed without the slightest positive mark of disapprobation from the authority to which it was addressed."

So abhorrent to their feelings were these measures, and the powers derived for their support, that they identified them with the alien and sedition laws, and worthy only of the then Administration. He would not say whether they were Republicans, because that might seem to imply a doubt. But he would ask those, who are found the advocates of such doctrines, if they are the Republicans of '98 and '99? Alas! these days have passed by, and the men with them, and a new generation has arisen to declare "the law and the prophets." He would here leave this part of the subject, without attempting so tread in the footsteps of those illustrious patriots who had gone before him, and could only hope to point to the way which they had discovered for the lonely traveller in the march of his political career.

He came now more immediately to the object intended to be effected by this appropriation. The gentleman from Delaware (Mr. McLANE) had said that it was not asked to make but locate the road.

He, said Mr. A., did not pretend to be very acute in legal discriminations or technical precision, but was at a loss to perceive the distinction which had been attempted to be drawn. It seemed to him, that the power to enter on the lands, without the consent of the States, for the purpose of designating and laying out a road, was no less than a power to construct and do every thing in relation to that road; and he believed the gentleman himself, in his own view, did not see any marked difference between them. He would not say that non-resistance implied assent, or that consent could give a right in this case. But one thing he would say, that consent can confer no essential right upon this Government which is not recognised by the Constitution; and it was against the indiscriminate application of the money of the nation in this way, that he felt himself bound to protest.

What object, he would ask, can gentleman have in marking out this road, unless it be designed, at some future day, to construct it? Will any one believe the nation to be guilty of so much folly as to expend its money in marking a trace for a public highway, without even the means of preventing that trace from being effaced? Will gentlemen flatter themselves with the expectation that the business is to end here? An argument of a very different character from that we now hear, would shortly be addressed to their understanding and their feelings.

They would be called upon, after appropriating so much money to an object, which, as yet, had been of no benefit, to go on and complete a work which had been emphatically styled a national one. He well recollected how this matter was first brought about, and the ingenious manner of a distinguished member from Kentucky (Mr. CLAY) in recommending it to the House. The appropriation then required was considered all sufficient for the purpose. It was not intended to make a road, but to give a line of direction to the Cumberland road from Wheeling to the Mississippi, so as to prevent intruders and others from settling upon the land, which might throw difficulties in the way of an object that might, at some day, be deemed worthy of a national concern; and, "to make assurance doubly sure," the bill provided that nothing therein contained should be construed to create an obligation on the part of the Government to make the road. He would tell the gentleman from Ohio (Mr. ROSS) that neither on this occasion, nor that which caused a survey to be made on the waters of the Ohio and Mississippi, was he led away by the seductive influence of such arguments. He then believed, as he does now, that it was but a continuation of this great scheme of internal improvement—a hold upon the Executive to prove an inconsistency in rejecting the one measure, while he approved the other—a precedent in fact, already claimed, to

establish the power which has been assumed over the general subject.

The gentleman from Ohio (Mr. Ross) had said, that there was a contract in this case, which the Government was bound to fulfil. I do not know what he means by a contract, unless it be the pledge given to the United States for the reimbursement, out of the two per cent. fund arising from the sales of public lands in Ohio, Illinois, and Indiana, of the money already expended upon the Cumberland road, over and above what has accrued from this source. If any thing should appear, after this claim has been discharged, I am perfectly satisfied that the gentlemen of those States may scramble for the balance. Mr. A. concluded by saying, that he was not disposed to occupy the time of the House, which he knew to be precious, but he thought the question thus pending was entitled to much higher consideration than some were disposed to give it, and it was due to the feelings he entertained to have said thus much.

When Mr. A. had concluded—

The question on striking out was taken, and it was determined in the affirmative—ayes 85.

Mr. McLane moved to amend the bill, by inserting an appropriation of $5,000, to indemnify the Corporation of Washington City for making certain improvements adjacent to public property therein.

Mr. Cocke and Mr. Whipple opposed the appropriation, and Mr. McLane, Mr. Kent, and Mr. Mercer, supported it.

It was then decided in the affirmative—ayes 77.

Mr. McLane moved to amend the bill, by inserting an appropriation of $20,000, to carry into execution the ninth article of the Treaty of Ghent; which motion was agreed to.

One or two other amendments having been made, and the details of the bill gone through with—

The Committee took up the bill making appropriations for the support of the Navy of the United States, for 1823.

An item of $50,000 was proposed to the bill, for the purpose of constructing docks and wharves at the navy yard, in Washington, connected with Rodgers's Marine Railway, or Inclined Plane, on which a discussion took place; Mr. Fuller, Mr. Williams, of North Carolina, Mr. Floyd, Mr. Bassett, Mr. Hamilton, Mr. Colden, and Mr. Wright, engaged, considering the utility of the invention, and the propriety of making the appropriation.

On agreeing thereto, it was decided in the affirmative—ayes 87.

Having gone through the details of this bill, the Committee rose, and reported it as amended.

The House then agreed, without a dissenting voice, to all the amendments made in the Committee, excepting two items; but, before taking the question to agree with the Committee on these two excepted items,

A motion was made to adjourn.

At the request of Mr. Trimble, of Kentucky, the motion to adjourn was withdrawn, for the purpose of considering the bill for the adjustment of the accounts of D. D. Tompkins, Vice President of the United States.

This bill, as engrossed, was then taken up, read a third time, passed, *nem. con.*, and sent to the Senate for its concurrence.

The motion for adjournment was then renewed, and agreed to, at nearly half past four.

The House stands adjourned to 11 o'clock, A. M., to-morrow.

Tuesday, February 18.

Mr. Newton, from the Committee on Commerce, reported a bill to authorize the building lighthouses and light-vessels; for erecting beacons therein mentioned, and for other purposes which was read twice, and committed to the Committee of the whole House on the state of the Union.

Mr. Moore, of Alabama, submitted the following resolution, which was read and laid on the table one day, under the rule, viz:

Resolved, That the Secretary of the Treasury be requested to lay before this House a statement of all sums of money that have been charged, or retained by any register or receiver of public money, since the 20th of April, 1818, for clerk hire, transmission of public money, office rent, office furniture, and other articles for which an allowance has not been usual in all the land offices; specifying the amount and date of each respective charge; and if any such allowance have been made, that the said Secretary also be requested to state the reasons thereof.

A message from the Senate informed the House that the Senate have passed bills of this House of the following titles, viz: "An act supplementary to, and to amend, an act, entitled 'an act to regulate the collection of duties on imports and tonnage,'" passed 2d March, 1799, and for other purposes; and "An act to revive and continue in force certain acts for the adjustment of land claims in the Territory of Michigan," with amendments to each. They have also passed a bill, entitled "An act for the relief of John Buhler;" also, a bill, entitled "An act supplementary to the several acts for the adjustment of land claims in the State of Louisiana," in which amendment and last mentioned bills they ask the concurrence of this House.

An engrossed bill, entitled "An act for the relief of Polly L. Campbell, widow of Colonel John B. Campbell, deceased, late of the 11th regiment of the United States infantry," was read the third time, and passed.

The bills from the Senate, entitled an act supplementary to the several acts for the adjustment of land claims in the State of Louisiana; and an act for the relief of John Buhler, were severally read twice, and referred to the Committee on the Public Lands.

The amendments proposed by the Senate to the bill, entitled "An act to revive and continue in force certain acts for the adjustment of land claims in the Territory of Michigan," was read and concurred in by the House.

The amendments proposed by the Senate to the

bill, entitled "An act supplementary to, and to amend, an act, entitled 'An act to regulate the collection of duties on imports and tonnage,'" passed 2d March, 1799, and for other purposes, were read and referred to the Committee of Ways and Means.

On motion of Mr. METCALFE, the Committee of Indian Affairs had leave to sit during the sittings of the House.

Mr. NELSON, of Massachusetts, from the Committee on the Expenditures on the Public Buildings, made a report, which was read and ordered to lie on the table.

MECHANICS' BANK ALEXANDRIA.

Mr. KENT, from the Committee on the District of Columbia, to which was referred the bill from the Senate "to extend the charter of the Mechanics' Bank of Alexandria, in the District of Columbia," reported the same without amendment; and

A motion to pass it to its third reading having been made by Mr. KENT—

Mr. MCCOY, thinking a bill of this character ought not to be precipitately acted upon, but take the usual course of bills, moved its reference to a Committee of the whole House.

Mr. KENT explained the situation of the bank proposed to be reincorporated by this bill, and the reasons why its charter had not been renewed when those of the other District banks were.

Mr. MERCER hoped the gentleman from Virginia would withdraw his motion to commit the bill; and, to induce him to do so, proceeded to state at some length his views of the question. He reviewed the history of the bank in question, its present solvency, and the patriotism with which, during the late war, it loaned money to the Government, when it stood in need of it, to the extent of its means, &c.

Mr. MCCOY then rose, and said, that having had some doubts as to the solvent character of this bank, which were now satisfied by the information given to the House by his colleague, (Mr. MERCER,) he would consent to withdraw his motion to commit the bill.

Mr. GILMER renewed the motion just withdrawn. He was opposed to the incorporation of any more banks in this District, or even elsewhere, and entered into an argument to show that, on true principles of banking, this additional bank was not necessary in this District, for the purposes of society; that no principle of justice required its incorporation; and that this House has no right to legislate to accommodate the mere wishes or interests of individuals, &c. He also made some remarks on the general impolicy of multiplying banks.

Mr. LITTLE was opposed to the reference of the bill to a Committee of the Whole, because he verily believed such a reference would prevent its being acted upon at this session. He was in favor of this bill, for the reasons which he stated; at the same that, if it were an original application for a charter, he should be opposed to it. He further intimated that, if he should be in Congress when the charters all expire, he should, unless he very much changed his mind, give a negative to the whole of them.

Mr. WRIGHT was decidedly in favor of the bill, and urged, in strong terms, the claim which that bank, with other banks of the District, had, from the extensive aid which they afforded to the Government, by loans, during the late war, &c.

Mr. FULLER, though willing to vote for this bill from the peculiarity of its circumstances, gave no credit to the argument in favor of the bank which had been drawn from its patriotism. He hoped it had a more substantial capital to trade upon. Mr. F. noticed also some of the general observations which had been made on the subject of banks.

Mr. NEALE briefly recapitulated the circumstances under which this bank presents itself for a renewal of its charter, and gave to its application his decided support.

Mr. MERCER again spoke with some ardor and considerable effect, in favor of the character of the bill, and against its commitment—in defence of the District, and its commercial capacity and resources.

Mr. GILMER replied also with ability, founding his objections on general principles, rather than on the particular merits of this case, though he thought that a bank which, like this, had but six thousand dollars in circulation, and fifteen thousand of available funds to issue paper upon, was arrived at exactly the point at which it was for its own interest, as well as that of the public, that its affairs should be wound up.

The question on referring the bill to a Committee of the Whole, was decided in the negative, 73 votes to 56.

The question was then taken on ordering the bill to a third reading, and decided in the affirmative, 66 votes to 51.

And the bill was ordered to be read a third time to-morrow.

APPROPRIATION BILLS.

The business yesterday before the House, immediately preceding the adjournment, was an exception made by Mr. WHIPPLE, to that item of the bill making appropriations for the support of the Government of the United States, which makes a provision of one hundred and ninety-seven thousand dollars for the surveys of the public lands.

Mr. WHIPPLE having satisfied himself, during the interval since the adjournment of yesterday, of the correctness of this appropriation, withdrew his exception to it.

Another exception taken by Mr. CHAMBERS, of Ohio, to the various amendments made by the committee to the above bill, was to that amendment by which the item of appropriation of ten thousand dollars for continuing the location of the Western road, was likewise withdrawn by Mr. C. he having received information that a bill on the subject was before the Senate, which would, probably, prove less objectionable than the appropriation in this shape.

These two amendments of the committee were

then concurred in by the House, and the bill was ordered to be engrossed for a third reading.

The House then took up the bill providing for the support of the Navy of the United States, for 1823, together with the amendments reported to it by the Committee of the Whole.

These amendments were collectively agreed to.

Mr. Floyd, of Virginia, then rose to move an amendment, which was, to strike out the item providing an appropriation for wharves, &c., connected with the marine railway at the navy yard, in this city, and inserting, in lieu thereof, an appropriation of ninety thousand dollars for building a dry dock at such place in Hampton Roads as should be thought most expedient for this object.

This motion not being in order, because the House had just concurred in that amendment, (being included in the others,) Mr. Floyd moved to reconsider the vote of concurrence in that amendment.

On this motion there arose a debate of some two hours, turning not so much on the actual merits which may belong to this invention, as upon the question whether the experiment has been conclusive. Although this was the nature of the debate, it appeared, in the course of it, that this appropriation is asked to defray the expense of excavating a dry dock in the rear of the railway, on the margin of the river, into which vessels are to be drawn by the same machinery as is employed to place them on the upper part of the railway.

Those who supported the reconsideration of the vote, and doubted the certainty of the utility of railways, were Mr. Floyd, Mr. Wood, Mr. McLane, Mr. Rhea, and Mr. Wright. Those who opposed the reconsideration were Mr. Fuller, Mr. Hamilton, Mr. Bassett, and Mr. Colden.

On the question being taken, 55 voted in favor of reconsideration, and 76 against it.

The bill was then ordered to be engrossed and read a third time to-morrow.

SAMUEL HOWELL.

Mr. Cassedy, of New Jersey, from the Committee on Revolutionary Pensions, reported a bill for the relief of Samuel Howell; which bill was read a first and second time.

The regular disposition of bills being about to be assigned this one—

Mr. Cocke suggested to Mr. Cassedy the propriety of its now passing to a third reading, intimating at the same time that this bill contained no new principle, the petitioner having been an express rider, in the Revolutionary war, and rendered important services.

Mr. Cassedy acceded to this proposition.

A brief discussion took place between Mr. Bassett and Mr. Cocke, on the justice of placing the petitioner on the pension roll of the United States.

A vote of the House having then decided that the bill should not be committed to a Committee of the Whole House—

Mr. Chambers, of Ohio, moved to amend the bill by striking out twenty and inserting eight dollars a month, (which places him on the roll at eight dollars a month, instead of twenty dollars, as the bill originally proposed to allow him;) and, on the question to accede to this amendment, it was decided in the affirmative.

Some further debate arose on the petitioner's claim—Mr. Bassett, Mr. McCoy, Mr. Williams, of North Carolina, Mr. Reed, of Maryland, and Mr. Wright, opposing, and Mr. Warfield, Mr. Cocke, and Mr. Condict, supporting his claim.

Mr. Williams, of North Carolina, moved to recommit the bill to the Committee on Revolutionary Pensions. This motion was negatived.

The discussion was again renewed, Mr. Plumer, of New Hampshire, and Mr. Whipple opposing the justice of his claim, and Mr. Farrelly and Mr. Burrows advocating it.

The question on engrossment for a third reading was then taken, and decided against its engrossment. [The principle decided in this case, so far as it decides any principle, is, that pensions shall in no case be allowed for services in the Revolutionary war, other than of a military and naval character. The petitioner in this case was an express rider between Congress and the headquarters for two years, during which time he underwent great labor and exposure, and a good deal of hazard, and rendered valuable service; on which ground he asks a pension.] The bill is rejected.

Wednesday, February 19.

Mr. Sergeant presented a petition of sundry masters of American vessels, lying in the port of Charleston, in the State of South Carolina, complaining of the effect of acts recently passed by the Legislature of that State, for the better regulation and government of free negroes and persons of color, and for the establishment of a competent force to act as a municipal guard, for the protection of Charleston and its vicinity; by which acts they are either deprived of the services of their colored mariners, or are subject to considerable extra expense and detention; and praying the interposition of Congress.—Referred to the Committee on the Judiciary.

Mr. Hernandez presented a memorial of sundry inhabitants of West Florida, complaining of the oppressive and unequal operation of an act passed by the Legislative Council of Florida, for raising a revenue in said Territory, and praying that the operation of so much of the said act, as imposes taxes on lands and slaves, may be suspended; which memorial was referred to the Committee of the Whole to which is committed the bill to amend an act for the establishment of a Territorial government in Florida.

Mr. Williams, of North Carolina, from the Committee of Claims, made a report on the petition of J. M. C. Montgomery, accompanied by a bill for his relief; which bill was read twice, and committed to a Committee of the Whole.

Mr. McLane, from the Committee of Ways and

Means, to whom was referred the memorial from the Legislature of the State of Alabama, requesting the adoption of measures for the extinguishment of the Indian title to certain lands within that State, made an adverse report thereon; which was read, and ordered to lie on the table.

Mr. McLANE, from the same committee, to which were referred the amendments proposed by the Senate to the bill, entitled "An act supplementary to, and to amend an act, entitled 'An act to regulate the collection of duties on imports and tonnage,' passed 2d March, 1799, and for other purposes," made a report on said amendments; which report was read, and ordered to lie on the table.

Mr. F. JOHNSON, from the Committee on the Post Office and Post Roads, reported a bill to discontinue certain post roads, and to establish others; which was read twice, and committed to a Committee of the Whole.

On motion of Mr. BAYLIES, the Committee on Commerce were instructed to inquire into the expediency of increasing the duties on tallow, soap, and tallow candles, imported from foreign countries.

Mr. SLOANE submitted the following resolution; which was read, and laid on the table, under the rule, one day, viz:

Resolved, That the President of the United States be requested to inform this House of the amount of money paid from the Treasury, since the organization of the present Government, for the following objects, viz: building lighthouses, including the purchase of the land on which they are situated, together with the lighting and superintending the same; erecting beacons, building, lighting, and superintending vessels, stationed as lights in harbors or on the coast; building wharves, piers, and sea-walls; removing obstructions to navigation in rivers or harbors; placing and superintending buoys; relief of distressed, sick, and disabled seamen; and for support of consuls and commercial agents, abroad. The expenditure under each head to be stated separately.

On motion of Mr. BARSTOW, the Committee on Commerce were instructed to inquire into the expediency of increasing the duty on Roman vitriol, and glauber and epsom salts.

The engrossed bill "making appropriations for the support of Government for the year 1823," and the bill "making appropriations for the support of the Navy of the United States," were severally read a third time, passed, and sent to the Senate for its concurrence.

On motion of Mr. COCKE, the Committee on Revolutionary Pensions was discharged from the further consideration of all the petitions now before that committee; Mr. C. assigning, as a reason for this, that the decision of the House yesterday, by a large majority, against the claim of Howell, seemed to establish the principle of rejecting all claims for pensions which did not fall within the scope of the Revolutionary Pension act of 1818.

The resolution laid on the table yesterday by Mr. MOORE, of Alabama, calling on the Secretary of the Treasury for a statement of all sums of money charged or retained by any register or receiver of public moneys, for clerk hire, &c., was taken up and agreed to.

COMPENSATION OF THE ARCHITECT, &c.

Mr. COCKE moved the adoption of the following resolution:

Resolved, That the Committee on the Public Buildings be instructed to inquire into the expediency of fixing, by law, the compensation of the architect, of the master carver, of the master of the stone work, and of the clerk and managers of the public buildings, in the City of Washington.

Mr. C., in offering this resolution, said, that it appeared from a letter which he had before him, from the Superintendent of the Public Buildings, that officer had thought proper to reduce the compensation of the architect and master builder, master carver, and master mason, on the ground that their duties were lessened, &c. He had reduced the compensation of the architect $500 per annum, and of each of the others $250. Against this decision, the architect had taken an appeal to the President, by whom the subject had been referred to the Attorney General. The opinion of that officer on the subject, Mr. C. said, he had read, and it amounted to this: that, if A employs B, he is bound to give B the same compensation as he first allows him, so long as he is engaged in the same business. These individuals are therefore reinstated in their former comfortable salaries. Mr. C. said he wished to fix, by law, without the necessity of resorting to the opinion of the Attorney General at all, what shall be the compensation of these public servants.

Mr. FULLER suggested that the resolution was in an imperative form, differing rather from the ordinary shape of resolutions directed to committees. He preferred that it should take the usual shape of an inquiry into the expediency of making this provision.

Mr. COCKE, after some other remarks, accepted this modification of his motion; and, thus amended, it was agreed to.

EDWIN LEWIS.

Mr. SAUNDERS, of North Carolina, submitted the following paper to the House, and moved that it lie on the table:

"The undersigned, members of the bar of the district court for the Alabama district, do certify that they are well acquainted with the general character of Edwin Lewis; that it is bad, and that they consider him unworthy to be admitted as a member of the said bar.

WM. CRAWFORD, *District Attorney.*
H. HITCHCOCK, *Att'y Gen'l of Ala.*
WILLIAM B. PATTEN.
A. G. RUFFIN.
A. V. BAGLEY.

MOBILE, *Alabama, Jan.* 15, 1823."

This paper having been read—

Mr. COLDEN, of New York, said, he knew nothing of the parties in this case—of the signers of this paper, or of the individual concerned. But he could not see the least propriety in having a

paper of this sort presented and placed on the records of this House to the prejudice of any individual. He, therefore, moved that the gentleman have leave to withdraw it.

The Speaker stated that the motion now pending was to lay it on the table.

Mr. Moore, of Alabama, was, like the gentleman from New York, very much surprised at this document being brought forward, and was at a loss to know the motive for introducing it. He considered the character of this individual as not being before the House. And, if a precedent was to be established such as the reception of this paper would constitute, he hoped it would be when some solid and substantial reasons could be produced in favor of it. He hoped the gentleman would reconsider the matter, and withdraw that document. I profess not to know that individual, said Mr. M., but he ought to have justice at least, which a course like this is not calculated to allow to him.

Mr. Nelson, of Maryland, asked if the Committee on the Judiciary had not made a report upon the charges preferred by Edwin Lewis against Judge Tait, and, if so, was not that report now lying on the table? [Being answered in the affirmative, Mr. N. proceeded.] Then, said he, it appears obviously proper, that, where it is made a matter of grave charge against a judge of the United States, that he has refused to admit the accuser to practice as an attorney in his court, and a report upon this charge is lying on the table, testimony of the character of the individual refused to be admitted, being directly relevant, ought to be received. Here you have the testimony of the members of the bar to which he was refused admission, testifying to his character, and to his unfitness for admission to the bar. This, Mr. N. said, was the very best evidence the House could have upon the case. It seemed to him, under the circumstances, extraordinary that the gentleman from New York should object to receiving this paper, which ought to be spread on the records, to show to every libeller who comes into this House to vituperate high officers of the Government, that the grounds and motives of their conduct will be exposed, and, when exposed, appreciated as they ought to be.

Mr. Saunders said he could not accommodate the gentleman from Alabama by withdrawing this paper, if he were disposed to do so; because, in presenting it, he acted under the instructions of the Judiciary Committee. Like the gentleman from Alabama, said Mr. S., I personally know nothing of this individual, and, from the little I have seen of his character, I wish to know nothing of him. But, it seems proper that this paper should be received, because one of the charges addressed to this House, against Judge Tait, by this individual, was, that he had refused him admission to the bar. This certificate shows that he was not a fit person to be admitted. The certificate is signed by several of the most respectable gentlemen in the State of Alabama, one of whom, he had heard, is now Speaker of the House of Representatives of the State. Mr. S. would not now, however, discuss the subject to which this certificate relates. If the report should be taken up, it would then be time enough to discuss it.

The paper was ordered to lie on the table.

INDIAN AFFAIRS.

The Speaker laid before the House a letter from the Secretary of War, transmitting a report of the Second Auditor, accompanied by copies of the accounts of superintendents and agents for Indian Affairs, prepared in obedience to the 3d section of the act of the 6th May, 1822, entitled "An act to amend an act to regulate trade and intercourse with the Indian tribes;" which were referred to the Committee on Indian Affairs.

On motion to print the papers accompanying this report, some conversation took place, in the course of which,

Mr. Lincoln, of Maine, took occasion to say that he knew of no adequate means of controlling or regulating the contingent expenditures of the Government, but by having detailed accounts of them laid before the House at each session, and printed for the use of every member. The House had, indeed, provided certain committees to perform the duty of supervising and scrutinizing these expenditures, but, as a member of one of those committees, he hoped to be pardoned for saying that that committee was not competent to a proper examination, which could be better given by each member for himself. Mr. L. particularly adverted to the contingent expenditures of the Indian Department, which were, in a great degree, irresponsible and unregulated, and, so long as they were contingent and discretionary, could be better checked by means of publicity, than in any other way.

The House, however, overruled the motion for printing these papers, apparently on the ground that the propriety of printing these papers could be better determined after their contents had been examined by the Committee of Indian Affairs.

NEW YORK DISTRICT COURT.

Mr. Colden offered the following resolution:

Resolved, That the Judiciary Committee be instructed to consider the propriety of giving an appeal in all cases decided by the district court of the northern district of New York, to which certain circuit powers have been given, and that they report by bill or otherwise.

Mr. Colden, in offering this resolution, said it was with great astonishment he had learned that the law of 1819, respecting the northern district of New York, was so framed, that no appeal is allowed from the decisions of that court.

Mr. Sterling, of New York, approved the object of the resolution, but suggested to his colleague that there was no occasion for it, because there is a bill on the table, reported at the last session, which would meet this case precisely.

Mr. Walworth, of New York, said it was true there was a bill on the table which made this resolution unnecessary. But, if his colleague would examine the subject with reference to the case of other courts having similar powers, he would find that the appellate power of this court extended

further than that of any other in the same circumstances. In the western district court of Pennsylvania, not even a writ of error is allowed to the circuit court; neither in the western district of Virginia; whilst, in the northern district of New York, a writ of error is allowed from the northern district to the circuit court. There is no reason why even this should be given, because there is appellate power to the Supreme Court in both cases. When that bill, therefore, should come up, if it did come up, he should now, as he did at the last session, oppose its passage as unnecessary and improper.

Mr. COLDEN said he was not sure that his colleague was not mistaken about the extent of the powers given to the court in the bill lying on the table; and preferred, therefore, that this subject should go to the Judiciary Committee. With respect to the alleged existence of the appeal, if the gentleman so construed the law, as it stands, he differed from the first practitioners in New York, for they understand that there is no appeal whatever from that court. Mr. C., therefore, wished the inquiry to be made. If the information that had reached him was correct, he said it never could be the intention of Congress that the court should exercise these high powers without appeal.

Mr. STERLING expressed his hope that the resolution would not pass, as it would only serve to delay the acting on the bill already reported.

The resolution was then, on motion, ordered to lie on the table.

PUBLIC BUILDINGS.

The House proceeded to consider the report made on the 13th instant, by the Committee on the Public Buildings; and the report being read, as follows, viz:

"The Committee on the Public Buildings, to which was referred the resolution directing them to inquire and report the alterations necessary to be made in the Representatives' Hall, for the accommodation of the Eighteenth Congress, report to the House the subjoined report of ths public architect, made to the committee, on the subject of this resolution.

"The committee approve of the plan suggested by the architect, and recommend it to the House. The sum necessary to effect this alteration the committee will include in the bill making appropriation for the public buildings. The committee submit the following resolution:

"*Resolved*, That the Commissioner of the Public Buildings be directed to make the alteration in the Representatives' Hall, for the accommodation of the Eighteenth Congress, which the architect recommends in his report to the Committee on the Public Buildings."

Report of the Architect.

FEBRUARY 12, 1823.

SIR: In compliance with the request of the Committee on Public Buildings, I now present a plan of the floor of the Representative Hall of the United States, exhibiting the manner in which may be disposed the additional seats which will be necessary for the accommodation of the next Congress.

The number of members in the 18th Congress will be	213
And of Delegates from Territories	3
	216

I propose to take away the stone platforms which project in advance of the prostyle, or straight range of columns.

This space will give room for nine seats on each side	18
Three desks in the second circular range, on each side, now occupied by one person, may be altered for two each	6
The number of seats on the present floor	192
	216

The expense of the alteration and furniture, may be estimated as follows:

18 new desks, at $10	$180
6 alterations in desks, at $5	30
24 chairs, at $20	480
Stone work, iron, and carpenter's work	500
	$1,190

Respectfully submitted, by your obedient servant,
CHARLES BULFINCH.

Hon. W. S. BLACKLEDGE.

The question was taken to agree to the resolution submitted in the said report, and passed in the affirmative.

MECHANICS' BANK, ALEXANDRIA.

The bill from the Senate to extend the charter of the Mechanics' Bank of Alexandria, was read a third time.

Mr. BUTLER, of New Hampshire, requested the yeas and nays on the question, and, having done so, assigned the reasons why he should vote against the bill, which were consentaneous with those given on the same side of the question in yesterday's discussion.

Mr. MERCER made a brief reply; when the question on the passage of the bill was decided by yeas and nays, as follows:

YEAS—Messrs. Allen of Tennessee, Bigelow, Borland, Breckenridge, Brown, Burrows, Campbell of New York, Cannon, Cassedy, Chambers, Colden, Cushman, Cuthbert, Dane, Durfee, Eddy, Farrelly, Findlay, Floyd, Forward, Fuller, Gebhard, Gorham, Govan, Hamilton, Hardin, Harris, Hawks, Hill, Holcombe, Hooks, Hubbard, Jackson, Jennings, J. T. Johnson, J. S. Johnston, Jones of Tenn., Kent, Keyes, Kirkland, Lincoln, Little, McCarty, McDuffie, McLane, McNeill, McSherry, Mallary, Matlack, Mattocks, Mercer, Mitchell of Pennsylvania, Moore of Virginia, Moore of Alabama, Neale, Nelson of Maryland, Newton, Patterson of New York, Patterson of Pennsylvania, Phillips, Poinsett, Reed of Maryland, Reid of Georgia, Rhea, Rogers, Saunders, Sloane, Sterling of N. York, A. Stevenson, J. Stephenson, Tod, Tracy, Trimble, Van Rensselaer, Whipple, White, Williams of Virginia, Williamson, Wood, Woodcock, and Wright—81.

NAYS—Messrs. Barber of Connecticut, Barstow, Blackledge, Buchanan, Burton, Butler, Cambreleng, Campbell of Ohio, Carter, Cocke, Condict, Conner,

Crafts, Dickinson, Edwards of Connecticut, Garnett, Gilmer, Gross, Harvey, Ingham, F. Johnson, Lathrop, Leftwich, Litchfield, McCoy, McKim, Matson, Nelson of Massachusetts, New, Pitcher, Plumer of New Hampshire, Plumer of Pennsylvania, Rankin, Reed of Massachusetts, Rich, Rochester, Rodney, Ross, Ruggles, Russ, Arthur Smith, W. Smith, Sterling of Connecticut, Stoddard, Swan, Taylor, Thompson, Tomlinson, Udree, Upham, Van Wyck, Walker, Williams of North Carolina, and Woodson—55.

So the bill was passed.

REPAIR OF THE CUMBERLAND ROAD.

The House then, on motion of Mr. PLUMER, of New Hampshire, again resolved itself into a Committee of the Whole on the state of the Union.

Mr. PLUMER moved to take up the bill to amend the ordinance and acts of Congress for the better government of the Territory of Michigan.

This motion was disagreed to—ayes 54, noes 55.

Mr. LITTLE then moved that the Committee again take up the bill from the Senate to appropriate $25,000 for the repair and preservation of the Cumberland Road; which motion was agreed to.

When this bill was last up, an amendment was proposed to it, by Mr. BUCHANAN, of Pennsylvania, the object of which is a recession of such parts of the road as are included in the limits of the States of Virginia, Pennsylvania, and Maryland, to the States respectively, imposing on them the obligation of keeping the road in repair.

On this question arose an animated and pretty able debate, in which the following gentlemen engaged, viz:

For the amendment—Mr. BUCHANAN, Mr. FARRELLY, and Mr. FORWARD.

Against the amendment—Mr. TRIMBLE, Mr. VANCE, Mr. STEWART, Mr. WRIGHT, Mr. COOK, and Mr. BURROWS.

When the question was taken on the proposed amendment, and decided in the negative, 66 to 44 on one part of it, and 68 to 34 on the remainder of it.

The Committee then rose and reported the bill to the House without amendment.

In the House, after refusing a motion to adjourn, Mr. BUCHANAN again submitted the amendment which he had proposed in Committee of the Whole, and the question upon it was, at his request, ordered to be taken by yeas and nays. The amendment is in the following words:

"SEC. 4. That, from and after the first day of December next, any right with the United States may have to so much of the said road as lies within the State of Maryland, be, and the same is hereby, ceded to the said State: *Provided*, The Legislature thereof shall, within six months thereafter, accept the same, upon the following express conditions, that is to say: they shall forever keep such portion of the said road in good repair, and shall collect no more toll thereon than will be necessary for that purpose, and to defray the expense of collection; and shall, also, annually, cause to be published, an account of the tolls received, and the manner in which they have been expended.

"SEC. 5. That, from and after the said first day of December next, any right which the United States may have to so much of the said road as lies within the State of Pennsylvania, be, and the same is hereby, ceded to the said State: *Provided*, The Legislature thereof shall, within six months thereafter, accept the same, upon the following express conditions, that is to say: they shall forever keep such portion of the said road in good repair, and shall collect no more toll thereon than will be necessary for that purpose, and to defray the expense of collection; and shall, also, annually, cause to be published, an account of the tolls received, and the manner in which they have been expended.

"SEC. 6. That, from and after the said first day of December next, any right which the United States may have to so much of the said road as lies within the State of Virginia, be, and the same is hereby, ceded to the said State: *Provided*, The Legislature thereof shall, within six months thereafter, accept the same, upon the following express conditions, that is to say: they shall forever keep such portion of the said road in good repair, and shall collect no more toll thereon than will be necessary for that purpose, and to defray the expense of collection; and shall, also, annually, cause to be published, an account of the tolls received, and the manner in which they have been expended."

And then another motion to adjourn was made and carried, 75 to 61; and the House adjourned half an hour before sunset.

THURSDAY, February 20.

Mr. MCLANE, from the Committee of Ways and Means, reported a bill to carry into effect the Convention of Navigation and Commerce between the United States and France, concluded at Washington on the 24th of June, 1822; which was read twice and committed to a Committee of the Whole on the state of the Union.

Mr. RANKIN, from the Committee on the Public Lands, to which had been referred a bill from the Senate, supplementary to the several acts for the adjustment of land claims in the State of Louisiana, reported the same without amendment; and it was then ordered to be engrossed for a third reading.

The Committee on Indian Affairs were discharged from the consideration of the letter of the Secretary of War, received yesterday, and it was laid on the table.

A message from the Senate informed the House that the Senate have, in the absence of the VICE PRESIDENT of the United States, elected JOHN GAILLARD President of the Senate, *pro tempore*.

On motion of Mr. CONNER, the Committee on the Judiciary were instructed to inquire into the expediency of reviving, for the space of one year, an act to amend an act to establish a general stamp office.

The Committee of the whole House to which is committed the bill for the relief of Captain Richard Hightower were discharged from the further consideration of the bill, and it was ordered to be engrossed, and read a third time to-morrow.

Messages received from the PRESIDENT OF THE UNITED STATES, yesterday, were read, and are as follows:

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives, of the 11th of December last, I transmit to the House a report from the Secretary of the Treasury, containing the information requested, of the amount of moneys advanced to agents, sub-agents, contractors, sub-contractors, or individuals, since the first of January, 1817, which have not been accounted for on settlement, and of the loss sustained in each case, the sureties taken, and the names of the sureties.

JAMES MONROE.

FEBRUARY 19, 1823.

The Message and documents were laid on the table.

To the House of Representatives of the United States:

The Convention of Navigation and Commerce between the United States of America, and His Majesty the King of France and Navarre, concluded and signed at Washington, on the 24th of June, 1822, with the first separate article thereto annexed having been ratified by the two parties, and the ratifications of the same having been duly exchanged, copies of it, and of the separate article referred to, are now communicated to the two Houses of Congress, to the end that the necessary measures for carrying it into execution, on the part of the United States, may be adopted by the Legislature.

JAMES MONROE.

WASHINGTON, *Feb.* 18, 1823.

The Message and Convention were laid on the table.

To the House of Representatives of the United States:

I transmit to the House of Representatives, in pursuance of a resolution of that House, of the 31st of last month, a report from the Secretary of State, relative to the Commissioners appointed for the purpose of ascertaining the titles and claims to land in Florida.

JAMES MONROE.

WASHINGTON, *Feb.* 19, 1823.

The Message and report were referred to the Committee on Public Lands.

To the House of Representatives of the United States:

I transmit, to the House of Representatives, an additional report from the Secretary of the Treasury, with the documents referred to therein, containing further information of the proceedings in execution of the law of the last session, respecting the trade with the Indian tribes, called for by the resolution of the 19th of December last.

JAMES MONROE.

FEBRUARY 19, 1823.

The Message and documents were referred to the Committee on Indian Affairs.

CUMBERLAND ROAD.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting the information in relation to the expenditures on the Cumberland Road, as called for by the resolution adopted on the 17th instant; which letter was ordered to lie on the table.—The statement is as follows:

Amount appropriated	$1,718,846 35
Surveying and locating	29,144 25
Constructing	1,544,882 70
Repairs	*16,160 19
Salaries to superintendents and assistants	53,034 61
Miscellaneous and contingent	2,457 45
Amount accounted for	$1,645,679, 20
To which add—	
Amount carried to the surplus fund	66,810 63
Advances unaccounted for	5,314 85
Due the United States on settlement	1,041, 67
Total appropriated	$1,718,846 35

*"The charges for repairs are so blended with the expenses of constructing, that it is difficult to discriminate the actual expenditure under this head; the above is the only charge which appears exclusively for repairs.

The SPEAKER also laid before the House a communication from the Governor of Pennsylvania, containing an official certificate of the several members from the State of Pennsylvania, elected to serve in the 18th Congress of the United States; which was ordered to lie on the table.

IMPORTS AND EXPORTS.

Mr. MCKIM, after adverting to the importance of the document which gives an account of the imports and exports of the United States, which he considered the most valuable which has been laid before Congress at the present session, being replete with the most useful information, moved that two thousand extra copies be printed of it.

This motion was opposed by Mr. BASSETT and Mr. WOOD, on account of the bulk of the document, and the time and money which it would take to reprint it as proposed. It was contended, besides, that none but importing merchants are much interested in it, and that for their use the newspaper digests would be as satisfactory as this volume.

To this Mr. MCKIM replied, that the manufacturer and agriculturist, as well as the merchant, were interested in this report, showing the course and bearing of our commerce on his particular pursuits, &c.

On the question being taken, Mr. MCKIM's motion was negatived.

EXPENSE OF LIGHTHOUSES, &c.

The following resolution, moved by Mr. SLOANE yesterday, was taken up to-day:

Resolved, That the President of the United States be requested to inform this House of the amount of money paid from the Treasury since the organization of the present Government, for the following objects, viz: building lighthouses, including the purchase of land on which they are situated, together with the lighting and superintending the same; erecting beacons, building, lighting, and superintending vessels stationed as lights in harbors, or on the coast; building wharves, piers, and sea-walls; removing obstructions to navigation in rivers or harbors; placing and superintending buoys; relief of distressed, sick, and disabled seamen; and for support of consuls and com-

mercial agents abroad; the expenditure under each head to be stated separately.

The resolution having been read—

Mr. Gorham offered the following as an amendment to this resolution:

"Also to inform this House what amount of money has been paid into the Treasury since the organization of the present Government from the duties laid upon imports and tonnage entering the ports and harbors of the United States, with the amount of hospital money received by the officers of the Government out of seamen's wages, stating how far the amount of said duties and hospital money have exceeded the amount expended on the items specified in the first part of this resolution; also to inform the House how many of the lighthouses now maintained by the United States were erected by the individual States, and where the same are situated."

Mr. Sloane received this amendment as a modification of his resolution.

The question being on agreeing to the resolution as thus amended—

Mr. Wood expressed his hope that the resolution would not pass. There was no business before this House upon which this information could operate; and, if there were, the same information was already on the files of the House, being obtained under calls at former sessions. The effect of the resolution would therefore only be to give unnecessary trouble to the public officers.

Mr. Sloane said he did not expect any opposition to this motion, being a call for information merely. His object in calling for it was to throw some light on the exercise of powers by Congress, which could only have been inferred by a construction of the Constitution analogous to that which was contended by the friends of internal improvement, of the unconstitutionality of which so much had been heard. That subject, if not discussed at the present session, would be at the next, and it would be proper to obtain the information necessary to enable the House to act understandingly upon it.

Mr. Chambers, of Ohio, said that the resolution, in its present form, would be imperative on the Executive to give the information at the present session. As the gentleman had expressed no desire to have the information at the present session, and as so little time remained within which to procure it, Mr. C. wished the resolve to be so amended as that the information should be communicated at the commencement of the next session of Congress.

The resolution was accordingly so amended.

Mr. McLane suggested the propriety of amending the resolution so as to require also an account of the expenses of surveying the public lands from the commencement of the Government.

Mr. Sloane said he did not see any connexion between that subject and the object of his call. This was the first resolution he had ever offered to call for information, and he did not see why attempts should be made to embarrass this resolution, when such resolutions, moved by others, were suffered to pass almost as matters of course.

Mr. McLane assured the gentleman from Ohio that he had no intention to embarrass his resolution; but, desiring to have this information in connexion with that required by the resolution of the gentleman from Ohio, he moved to amend the resolution by adding thereto the following:

"And, also, the amount of money expended for surveying and disposing of the public lands."

Mr. Stewart moved to amend the amendment by adding thereto the following:

"And the amount received from the sales of said lands."

Mr. Condict then moved to lay the resolution and the amendments on the table; and the motion was agreed to.

VIRGINIA MILITARY LAND WARRANTS.

The Committee of the whole House to which is committed the bill extending the time for locating Virginia military land warrants, and returning surveys thereon to the General Land Office; as, also, the bill extending the time for issuing and locating military land warrants to officers and soldiers of the Revolutionary army, were discharged from the further consideration of the said bills.

The House then proceeded to consider the bill extending the time for locating Virginia military land warrants, and returning surveys thereon to the General Land Office.

A debate arose, of considerable length and animation; in the course of which, the principle of the bill was opposed by Mr. Vance, of Ohio, and Mr. Ross, of Ohio; and supported by Messrs. Stevenson, Campbell of Ohio, McCoy, Rankin, Mercer, and Hardin.

Mr. Sloane then moved to add the following, by way of amendment, to the bill:

"Sec. 3. *Be it further enacted*, That no holder of any warrant which has been located and surveyed, shall be permitted to remove the same, and again locate it on any other tract, except in cases of eviction, or unless it be found to interfere with a prior location."

After some debate on this amendment, in which Messrs. McCoy, Wright, Walker, Rhea, and Cook, engaged, it was negatived by a considerable majority.

The bill was then amended, on motion of Mr. Campbell, so as to extend its operation to four years for locating, and six years for returning surveys.

The debate was then resumed by Mr. Vance, who zealously opposed the bill, which Mr. Hardin again defended.

Mr. Ross then offered the following amendment:

"*Provided*, That no warrant shall hereafter be located by virtue of this or any other law, on any lands heretofore sold by the United States, to any individual or individuals."

Messrs. Hardin, Rankin, and Campbell, of Ohio, opposed the amendment; and Messrs. Ross and Cook supported it; when

The amendment was negatived.

Mr. Walworth, who was in favor of this bill,

yet thought that justice required that the pledges of the Government in favor of one class of persons during the Revolutionary war should not be less binding than to another. Under this impression, he moved to add a new section to the bill, for reviving, for the term of four years, the act for the benefit of the Canadian refugees during the Revolutionary war.

The amendment was opposed by Messrs. STEVENSON and RHEA, as unconnected with the principles of the bill; and

The amendment was negatived.

Mr. COCKE then proposed to amend the bill by a proviso literally the same as that offered by Mr. ROSS, with permission to those locating land warrants to make them on any land of the United States, in the country so reserved, unoccupied by previous location.

Messrs. RANKIN, RHEA, ARCHER, and MERCER, opposed this amendment; and Messrs. COCKE, TRACY, WALWORTH, and NELSON of Maryland, supported it.

One or two verbal amendments were made to the amendment of Mr. COCKE;

When the question was taken on the amendment, and agreed to.

Mr. CAMPBELL, of Ohio, then moved to lay the bill on the table, he being unwilling to vote for the bill with this proviso attached to it.

On this motion, Mr. RANDOLPH required the yeas and nays; but a sufficient number not rising to sustain the call—

Mr. CAMPBELL withdrew his motion to lay the bill on the table; and

Mr. COOK then moved to recommit it to the Committee on the Public Lands.

This motion was agreed to—ayes 75.

The House proceeded to consider the bill extending the time for issuing and locating Military Land Warrants to officers and soldiers of the Revolutionary army. And pending the question, Shall the same be engrossed for a third reading? the House adjourned.

FRIDAY, February 21.

Mr. COCKE, from the Committee on Military Affairs, reported a bill for the relief of John B. Hogan, which was read twice, and ordered to be engrossed, and read a third time to-morrow.

Mr. WALWORTH, from the same Committee, who were instructed to inquire into the expediency of increasing the appropriation for arming the whole body of the militia, submitted the following resolution:

Resolved, That it is expedient to increase the annual appropriation for arming the militia, for the year 1823, twenty thousand dollars.

The resolution was committed to the Committee of the Whole on the state of the Union.

Mr. METCALFE, from the select committee appointed on the subject of Indian Affairs, made a report in relation to the Florida Indians, concluding with the following resolution:

Resolved, That the President of the United States be authorized and requested to commence a system of operations for the gradual and ultimate effectuation of the objects contemplated; allowing him to exercise and pursue his own judgment, as to the manner or mode of doing it; and to communicate to this House, as soon as may be, after the commencement of the next session, the progress and result of his proceedings therein.

The report was ordered to lie on the table.

Mr. NEWTON, from the Committee on Commerce, to which was referred the bill from the Senate, entitled "An act to regulate the commercial intercourse between the United States and certain British colonial ports," reported the same without amendment, and it was committed to the Committee of the Whole on the state of the Union.

Mr. NEWTON, from the same committee, to whom the subject has been referred, reported a bill to abolish the office of Measurer; which was read twice, and ordered to lie on the table.

Mr. RUSSELL, from the Committee on Foreign Relations, made a report in relation to the act of the Parliament of Great Britain, passed the 5th of August, 1822, concluding with a resolution recommending that the subject be referred to the President of the United States, and that he be requested to obtain, by negotiation with the Government of Great Britain, such modifications of the act of Parliament of the 5th of August, 1822, as may remove all just cause of complaint; which report was ordered to lie on the table.

Mr. WILLIAMS, from the Committee of Claims, made a report on the petition of Charles Carr, of Kentucky, accompanied by a bill for his relief; which bill was read, and ordered to be engrossed, and read a third time to-morrow.

Mr. RANKIN, from the Committee on Public Lands, to which was referred the bill from the Senate, entitled "An act to revive and continue in force an act, entitled "An act supplementary to the several acts for the adjustment of land claims in the State of Louisiana," approved the 11th of May, 1820, and for other purposes, reported the same without amendment, and it was ordered to be read a third time to-morrow.

The House proceeded to consider the joint resolution requiring from the Secretary of the Senate and Clerk of the House of Representatives, an annual statement of the expenditures from the contingent fund of the two Houses: Whereupon, it was ordered that the said resolution be engrossed, and read a third time to-morrow.

Mr. NELSON, of Maryland, made an unsuccessful motion to take up the report of the Committee of Claims, in the case of Sarah Easton and Dorothy Storer.

Mr. JOHNSTON, of Louisiana, also made an unsuccessful motion to take up the resolution laid on the table two days ago by him, instructing the Committee on Military Affairs to report a bill for the erection of two steam batteries on the Mississippi.

The SPEAKER laid before the House a report from the Secretary of State of the newspapers, journals, and other periodical publications, charts and instruments, maps and prints, taken at the

Department of State, on public account; accompanied by a catalogue of all books belonging to the said Department, purchased at public expense; which report was ordered to lie on the table.

The bill from the Senate, entitled "An act supplementary to the several acts for the adjustment of land claims in the State of Louisiana," was read the third time, and passed.

An engrossed bill, entitled "An act for the relief of Captain Richard Hightower," was read the third time, and passed.

REVOLUTIONARY LAND WARRANTS.

The House resumed the consideration of the bill extending the time for issuing and locating military land warrants to officers and soldiers of the Revolutionary army; when—

Mr. Ross moved to subjoin thereto the following section:

"SEC. 2. *And be it further enacted*, That, at the expiration of the time limited by this act for the location of the military land warrants aforesaid, it shall be the duty of the Commissioner of the General Land Office to transmit to the Surveyor General a list of all the lots of land within the fifty quarter townships which shall at that time remain unlocated. And the Surveyor General shall prepare and transmit to the registers of the land office at Chillicothe and Zanesville, respectively, general plats of the aforesaid unlocated lots; which lots shall, after the 4th day of June, 1825, be offered for sale at the land offices in the districts in which they are situated, in the same manner, and on the same terms and conditions, in every respect, as other public lands are offered at private sale in the same districts."

Mr. Ross offered some remarks in explanation and support of his amendment, and was opposed by Mr. RANKIN and Mr. MCCOY.

On the question to agree to the amendment, it was negatived; and the bill was then ordered to be engrossed for a third reading.

CUMBERLAND ROAD.

The House then proceeded to the consideration of the unfinished business of Wednesday, being the bill appropriating $25,000 for the repair of the Cumberland road.

The question before the House was on agreeing to the amendment proposed by Mr. BUCHANAN; which amendment is in the following words:

"SEC. 4. That, from and after the first day of December next, any right which the United States may have to so much of the said road as lies within the State of Maryland, be, and the same is hereby, ceded to the said State: *Provided*, The Legislature thereof shall, within six months thereafter, accept the same, upon the following express conditions—that is to say: they shall for ever keep such portion of the said road in good repair; and shall collect no more toll thereon than will be necessary for that purpose, and to defray the expense of collection; and shall also, annually, cause to be published an account of the tolls received, and the manner in which they have been expended.

"SEC. 5. That, from and after the said first day of December next, any right which the United States may have to so much of the said road as lies within the State of Pennsylvania be, and the same is hereby, ceded to the said State: *Provided*, The Legislature thereof shall, within six months thereafter, accept the same, upon the following express conditions—that is to say: they shall forever keep such portion of the said road in good repair, and shall collect no more toll thereon than will be necessary for that purpose, and to defray the expense of collection; and shall also annually cause to be published an account of the tolls received, and the manner in which they have been expended.

"SEC. 6. That, from and after the said first day of December next, any right which the United States may have to so much of the said road as lies within the State of Virginia be, and the same is hereby, ceded to the said State: *Provided*, The Legislature thereof shall, within six months thereafter, accept the same, upon the following express conditions—that is to say: they shall forever keep such portion of the said road in good repair, and shall collect no more toll thereon than will be necessary for that purpose, and to defray the expense of collection; and shall also annually cause to be published an account of the tolls received, and the manner in which they have been expended."

Mr. INGHAM, of Pennsylvania, to obviate one of the main objections which had been taken to the principle of the amendment, moved to amend the amendment, by adding thereto the following:

"SEC. 7. *And be it further enacted*, That, in case either of the said States, at any time after either of them shall have accepted the cession of the said road upon the foregoing conditions, shall neglect or refuse to comply with the same, the Congress of the United States shall then have power, upon due proof being made to their satisfaction of such neglect or refusal, to resume any right which the United States may now possess to such part of the said road as shall be within any of the said States so neglecting or refusing to adopt such rules and regulations for the preservation and repair of the same, as though this act had never been passed."

Mr. BUCHANAN accepted this amendment, as a part of his motion.

A division of the question was required, however, which brought Mr. BUCHANAN's amendment in its original shape first before the House. And the question on agreeing thereto was decided by the following vote:

YEAS — Messrs. Abbot, Allen of Massachusetts, Archer, Bassett, Bateman, Bigelow, Borland, Brown, Buchanan, Burton, Cambreleng, Cannon, Crafts, Dickinson, Edwards of Pennsylvania, Edwards of North Carolina, Farrelly, Floyd, Forward, Garnett, Harvey, Hawks, Hooks, Hubbard, Ingham, Lathrop, Leftwich, Litchfield, McCoy, McSherry, Matlack, Matson, Mattocks, Mitchell of Pennsylvania, Moore of Virginia, Murray, New, Patterson of New York, Phillips, Plumer of New Hampshire, Plumer of Pennsylvania, Rhea, Rochester, Ruggles, Russ, Saunders, Sergeant, Alexander Smyth, Spencer, Sterling of Connecticut, A. Stevenson, Stoddard, Swan, Taylor, Tod, Tucker of South Carolina, Van Wyck, Walworth, Whipple, White, Williams of Virginia, Williams of North Carolina, Williamson, Wilson, and Wood—65.

NAYS—Messrs. Alexander, Ball, Barber of Connecticut, Baylies, Bayly, Blackledge, Burrows, Campbell of Ohio, Cassedy, Chambers, Colden, Condict, Conkling, Cushman, Dane, Denison, Durfee, Dwight,

Eddy, Edwards of Connecticut, Forrest, Gilmer, Gist, Gorham, Gross, Hamilton, Hardin, Harris, Hemphill, Hill, Holcombe, Jackson, Jennings, F. Johnson, J. T. Johnson, J. S. Johnston, Jones of Tennessee, Kent, Keyes, Kirkland, Lincoln, Little, McCarty, McDuffie, McKim, McLane, McNeill, Mallary, Mercer, Metcalfe, Montgomery, Moore of Alabama, Neale, Nelson of Maryland, Newton, Patterson of Pennsylvania, Pierson, Pitcher, Poinsett, Rankin, Reed of Massachusetts, Reed of Maryland, Reid of Georgia, Rich, Rogers, Ross, Sloane, Arthur Smith, William Smith, Sterling of New York, J. Stephenson, Stewart, Tomlinson, Tracy, Trimble, Udree, Upham, Vance, Van Rensselaer, Walker, Warfield, Woodson, and Wright—66.

So Mr. BUCHANAN'S amendment was negatived, and Mr. INGHAM'S proposition of course fell with it.

Mr. WHIPPLE then moved the following amendment, which he supported on the ground that it would be proper to continue to this road that distinctive character, by which it had been separated from objects of internal improvement generally:

Provided, The sum hereby appropriated shall be charged to, and repaid from, the fund pledged for the construction of said road.

The amendment was opposed by Mr. WRIGHT, Mr. FORWARD, and Mr. HARDIN, on the ground that, as the fund in question was already in debt to the Treasury ten times as much as it would ever be able to pay, and of course worse than exhausted, to insert this amendment would be in fact the rejection of the main object of the bill. Mr. FORWARD took also a broader ground; that he wished this bill to appear in terms what he contended it in fact is, an exercise of the general power of internal improvement; maintaining that the end and object of any appropriation of public money is the only test of the constitutionality of that appropriation, and that to speak of a Constitutional appropriation for an unconstitutional object was an absurdity.

Mr. WHIPPLE replied that, if the fund should never accrue, the money could not be reimbursed. His object was not to defeat the bill, but to make it conform to preceding legislation on the subject.

The question being taken on this amendment, it was decided in the negative.

Mr. FARRELLY asked for information of the ground on which the particular sum of twenty-five thousand dollars in the bill was founded; and Mr. TRIMBLE informed him that it was predicated on estimates by intelligent men.

Mr. COLDEN did not rise to discuss the bill; having no doubt of the power of Congress to pass this bill, though he had some doubts of its power to execute internal improvements generally. He rose to move to strike out the word "National," as applied in the bill to the road, substituting therefor the word "public," equally descriptive of the road, and not liable to the objection which he perceived to the other term.

This amendment was agreed to—71 to 63.

Mr. JENNINGS proposed the following as an amendment to the bill:

And be it further enacted, That so much of the act entitled "An act making appropriations for the support of Government for the year 1819," as purports to have pledged the two per cent. fund of the States of Indiana and Illinois, for the repayment of moneys appropriated for the construction and repairs of the Cumberland road, be, and the same is hereby, repealed.

Mr. J. accompanied this amendment with some observations, the object of which was to show that the fund belonging to these States had been unjustly and illegally considered as appropriated to the Cumberland road.

Mr. MALLARY suggested that, to attempt to attach this proposition to the bill before the House would require the discussion of a question for which, he was sure, the House was not prepared at this time, and which would but serve to embarrass this bill.

Mr. RHEA also protested against introducing such an amendment as this into this bill.

Mr. COOK said he concurred most heartily with the gentleman from Indiana as to the object of this amendment, but he was satisfied the House was not prepared at this time to investigate it. He believed the provision of the law of 1819 to have been a glaring outrage on the rights of Indiana and Illinois. Lest a decision negativing this proposition, as an amendment to this bill, should be used as an argument against the rights of these States hereafter, when separately and directly before the House, Mr. C. suggested to the gentleman from Indiana the propriety of withdrawing his amendment.

Influenced by these suggestions, Mr. JENNINGS withdrew his amendment.

The question was then taken on ordering the bill to be read a third time, and decided by the following vote:

YEAS—Messrs. Abbot, Barber of Connecticut, Bateman, Baylies, Bayly, Blackledge, Burrows, Campbell of New York, Campbell of Ohio, Carter, Cassedy, Chambers, Colden, Condict, Conkling, Cook, Cushman, Cuthbert, Dane, Durfee, Dwight, Eddy, Edwards of Connecticut, Edwards of Pennsylvania, Fuller, Gorham, Govan, Hamilton, Hardin, Harris, Hemphill, Hill, Hobart, Holcombe, Hubbard, Jackson, Jennings, F. Johnson, J. T. Johnson, J. S. Johnston, Jones of Tennessee, Kent, Keyes, Kirkland, Little, McCarty, McKim, McLane, McNeill, Mallary, Mercer, Metcalfe, Mitchell of South Carolina, Montgomery, Moore of Virginia, Moore of Alabama, Neale, Nelson of Maryland, Newton, Patterson of Pennsylvania, Pierson, Plumer of New Hampshire, Poinsett, Rankin, Reed of Maryland, Reid of Georgia, Rich, Rogers, Ross, Ruggles, Saunders, Scott, Sloane, Sterling of New York, A. Stevenson, Stewart, Taylor, Tomlinson, Trimble, Udree, Upham, Vance, Van Rensselaer, Walker, Warfield, Williams of Virginia, Woodcock, Woodson, and Wright—89.

NAYS—Messrs. Alexander, Allen of Massachusetts, Ball, Bassett, Bigelow, Borland, Brown, Buchanan, Burton, Cambreleng, Cannon, Conner, Crafts, Denison, Dickinson, Edwards of North Carolina, Farrelly, Floyd, Forrest, Forward, Garnett, Gilmer, Gist, Gross, Hawks, Ingham, Lathrop, Leftwich, Lincoln, Litchfield, McCoy, McSherry, Matlack, Matson, Mattocks, Mitchell of Pennsylvania, Murray,

New, Patterson of New York, Phillips, Pitcher, Plumer of Pennsylvania, Randolph, Rhea, Rochester, Rodney, Russ, Russell, Sergeant, Arthur Smith, Alexander Smyth, Spencer, Sterling of Connecticut, A. Stevenson, Thompson, Tod, Tracy, Tucker of South Carolina, Van Wyck, Walworth, Whipple, White, Williams of North Carolina, Williamson, Wilson, and Wood—66.

So the bill was ordered to be read a third time to-morrow.

MILITARY APPROPRIATION BILL.

The House then, on motion of Mr. McLane, resolved itself into a Committee of the Whole on the state of the Union, and proceeded to the discussion of the details of the bill making appropriations for the support of the Military Establishment for the year 1823.

A good deal of debate took place on some of the items of the bill; in which Messrs. McLane, Floyd, Cannon, Walworth, Hamilton, Williams of North Carolina, McCoy, and Rhea, took part.

The bill having been gone through—

Mr. Tattnall moved the following amendment:

"For the extinction of the Indian title to certain reservations of land within the limits of the State of Georgia, made under the treaties of 1817, 1819, and 1821, fifty thousand dollars."

The amendment was agreed to.

On the question to proceed to the consideration of the bill making appropriation for fortifications, it was determined that the Committee would now proceed to consider it.

At this stage of the business of the Committee Mr. Tracy made a motion for the Committee to rise, which was negatived.

On the first item of appropriation, being fifty-eight thousand dollars for the completion of Fort Delaware, Mr. Tracy, Mr. Cocke, and Mr. Rhea, opposed the appropriation, and Mr. McLane and Mr. Sergeant supported it.

Before taking the question on this appropriation, the Committee rose, and reported the first of the above two bills as amended.

The amendments made in the Committee to the bill for the military service of the United States, were concurred in by the House, and the bill was ordered to be engrossed for a third reading to-morrow.

Previous to the question being taken on concurring with the Committee in the several amendments to the bill for making appropriations for the Indian Department—

The House adjourned at half past 4 o'clock.

Saturday, February 22.

Mr. Plumer, of New Hampshire, from the Committee on the Judiciary, to whom the subject was referred, reported a bill concerning stamps; which was read twice, and ordered to be engrossed, and read a third time on Monday next.

Mr. Cook, from the Committee on the Public Lands, to which was recommitted the bill extending the time for locating military land warrants, and returning surveys thereon to the General Land Office, reported the same with an amendment; and the bill and amendment were ordered to lie on the table.

On motion of Mr. Johnston, of Louisiana, the Committee on Naval Affairs were instructed to inquire into the expediency of providing steam batteries for the defence of the Mississippi river.

On motion of Mr. Lincoln, the Committee on the Judiciary were instructed to inquire into the expediency of altering the times of holding the sessions of the circuit courts of the United States, in the States of Maine and New Hampshire.

Mr. Walworth, from the Committee on Military Affairs, to which was recommitted the bill from the Senate providing for payment of certain militia services in the State of Georgia during the year 1792, '93, and '94, reported it as their opinion that the bill ought to be rejected; and moved that the bill be referred to a Committee of the Whole.

Mr. Thompson made a motion to lay the bill on the table, expressing a hope that the House would indulge him by taking it up on Monday next, or some early day in the next week, when he had no doubt the members of the Military Committee, as well as the House, could be satisfied of the justness of this claim.

The Speaker having intimated that all bills containing an appropriation of money must undergo consideration first in Committee of the Whole—

Mr. Thompson withdrew his motion, and the bill was then recommitted.

Mr. Taylor, adverting to the rule adopted at the last session, the effect of which is that no business should be sent from either House within the last two days of the session, said, that this rule, which he considered a proper one, seemed to require a different arrangement of the business before the House; with which view he moved the following proposition:

Resolved, That the business now depending before the House, and committed to a Committee of the Whole, other than upon the state of the Union, be arranged by the Clerk, under the direction of the Speaker, in the following order:

1. Private bills originating in this House.
2. Public bills, and resolutions originating in this House.
3. Private bills originating in the Senate.
4. Public bills and resolutions originating in the Senate.
5. Unfavorable reports.

After some conversation between Messrs. Taylor, Bassett, Cook, and others, the proposition was agreed to.

The Committee of the Whole, to which was committed the bill for the relief of John Burgin, were discharged from the further consideration thereof, and the said bill was ordered to be engrossed and read a third time on Monday next.

Mr. Colden moved to discharge the Committee of the Whole from the further consideration of the proposition for continuing the pension of the widow of the late Captain Lawrence; but

as the motion could not be received without the unanimous consent of the House, and a member objecting to it, Mr. C. failed in his object.

An engrossed bill for the relief of Charles Carr, late paymaster to Colonel William Dudley's regiment of Kentucky militia; an engrossed bill for the relief of John B. Hogan; the engrossed bill, extending the time for issuing and locating military land warrants to officers and soldiers of the Revolutionary Army; and an engrossed bill making appropriations for the military service of the United States for the year 1823; were severally read a third time, passed, and sent to the Senate for concurrence.

The engrossed joint resolution, requiring from the Secretary of the Senate and Clerk of the House of Representatives an annual account of the contingent expenses of the two Houses of Congress, was read a third time, passed, and sent to the Senate for its concurrence.

The bill from the Senate, "making an appropriation for the repair of the National road from Cumberland to Wheeling," was read a third time, and passed—75 votes to 45.

On a motion to amend the title of this bill, so as to make it comport with the amendment yesterday made to the first section of the bill, by striking out "National," and inserting "public," it was decided affirmatively—yeas 63, nays 56.

The bill from the Senate, "to revive and continue in force the seventh section of an act, entitled 'An act supplementary to the several acts for the adjustment of land claims in the State of Louisiana,' approved the 11th day of May, 1820, and for other purposes," was read a third time, and finally passed.

Mr. LITTLE (leave being granted) presented a memorial from eighty enterprising farmers and mechanics within his district, praying Congress to pass the bill now on the Clerk's table, for the occupation of the mouth of Columbia river, intimating their wish to remove thither, for the improvement of that country, and of their own condition; which was ordered to lie on the table.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act for laying out and making a road from the lower rapids of the Miami of Lake Erie, to the western boundary of the Connecticut Western Reserve, in the State of Ohio, agreeably to the provisions of the treaty of Brownstown," with amendments, in which they ask the concurrence of this House.

JACOB AND HENRY SCHIEFFELIN.

On motion of Mr. CAMBRELENG, the House resumed the consideration of the following resolution:

Resolved, That the Committee of the Whole be discharged from the further consideration of the petition of Jacob and Henry Schieffelin, of New York; that the same be referred to the President of the United States; and that he be requested to afford to the petitioners, in the prosecution of their claim on the British Government, such assistance as the nature of the case may require.

Mr. CAMBRELENG said, he was aware that resolutions of this character were usually adopted or rejected silently; but, as the case had been, under similar resolutions, twice before silently referred to the Department of State, without obtaining for the claimants the aid required, it would obviously be idle to refer it a third time, without any explanation of the reasons why the Government is again called upon to extend its aid in prosecuting a claim, which, though long neglected, appeared to him to be sustained by every principle of law and equity. To make a third fruitless call upon the Government would be doing injustice to the claimants. The object of the resolution is merely to request the President to cause this claim to be urged upon the attention of the British Government; and an examination of the case would clearly show the propriety and justice of the request. Another consideration made it more necessary at this time to take a full view of the case; there were two reports upon the table, one from the Department of State, the other from the Committee of Foreign Relations; and, although they do not resemble each other in any other feature, they accord in virtually refusing to the Scheiffelins the assistance of their Government in prosecuting this claim on the British Government. He had a high respect for the talents of the two distinguished and learned gentlemen, the authors of these reports; but, whilst he should not dissent from their opinion without some apprehension, he felt too warm an interest in the success of his constituents to withhold his own view of the case, or to leave untried any effort to obtain indemnity for them.

Mr. C. then proceeded to give a narative of the case. It appeared, that the Schieffelins, in 1808, obtained a special permission from the President of the United States to send the ship Brunswick to Martinique for property which they had there. At Martinique the ship was laden with sugar. She sailed in May, and was captured by His Majesty's schooner Bacchus, and sent into Antigua in June. In July the ship was released, but a certain portion of the sugar belonging to the Schieffelins was condemned, as French property. An appeal was entered; and, in November, 1810, the Lords Commissioners of Appeals in England reversed the decision of the Vice Admiralty court, and ordered the property, or the proceeds thereof, after deducting the costs, to be restored to the Schieffelins. Repeated applications were made to the register of the court for the adjustment of this claim; but this was delayed, through the necessity of corresponding with Antigua to ascertain the amount of costs. The claim was in this situation when war was declared. In December, 1813, eighteen months after the declaration of war, and more than three years after the date of the decree in favor of the Schieffelins, the property was seized a second time, and the Lords Commissioners of Appeals condemned it as lawful prize to the Crown. In 1816, the Schieffelins presented a petition to this Government, praying its assistance in prosecuting the claim. They were promised aid. In 1817, nothing having been done,

they petitioned Congress; the case was referred, and the documents transmitted, to the Department of State; and the petitioners were informed that the American Minister in England would be instructed to present their claim to the attention of the British Government. In 1820, the Government having still taken no step in prosecuting the claim, another petition was presented to Congress, and another reference of it was made to the Department of State, when the report, which has just been read, was received from the Secretary of State. As the sequestration of their property was occasioned by our declaration of war, and as they were informed, by the report of the Secretary of State, that their right to claim indemnity of the British Government was extinguished by the treaty of peace, the petitioners at the last session prayed Congress for some indemnification. The Committee on Foreign Relations reported on the case, controverting the opinions of the Secretary of State, as to the character of the claim, and as to the operation of the treaty of peace on the rights of the claimants. Such is the history of this singular case.

Mr. C. said he had given this claim a patient examination. He could not concur in the different views of it presented in the reports referred to, and he was less disposed to assent to their conclusions. The property was unquestionably sequestered in defiance of all law. He believed it had been condemned in violation of an obligation of the treaty of 1794; that the rights of the claimants had not been touched by the Treaty of Ghent; and that it was the right, as well as the duty, of this Government to urge the claim on the attention of the British Government.

He would first notice the report of the Secretary of State. By reference to that report it would be found that the Secretary had blended this claim with a class of claims urged at Ghent, between which, however, and the case in question there was no resemblance. The report considers this property as having been seized and condemned under circumstances similar to that of "vessels 'and cargoes, which, having accidentally been in 'British ports at the period when the war broke 'out, were considered by the United States as ex-'empted, by the customary law of nations, from 'seizure and condemnation, at least during a 'period of time sufficient for their removal." The Secretary here alludes expressly to the second clause of the thirteenth section of a project of a treaty proposed by the American commissioners on the 10th November, 1814, and rejected by the British commissioners, in the following words: "That indemnity shall be made by each of the 'contracting parties, to the subjects or citizens of 'the other party, for all losses and damage sus-'tained subsequent to the commencement of the 'present war, by reason of the seizure and con-'demnation of the vessels belonging to the sub-'jects or citizens of the other party, which, in 'the ordinary course of commerce, happened, at 'the commencement of hostilities, to be in the 'ports of either party."

It would perhaps be sufficient to remark, that this property was not in England in the ordinary course of commerce, to show that the clause does not, in letter, embrace the case in question; but he would go a step further, to show that it applies to the case as little in spirit, as it does in letter.

It was necessary here to notice particularly the phrase *commencement of hostilities*, and to recollect that, immediately after our declaration of war, on the 18th June, 1812, we commenced hostilities, and that the intelligence of the war could not have reached England until about a month after. On reading this report, he had been led to believe that Great Britain had made a general sweep of all our vessels and cargoes, and other private property which happened to be in England antecedent to our declaration of war, (in other words, antecedent to our commencement of hostilities,) in violation of the express stipulations of the 10th and 26th articles of the treaty of '94, and of the customary law of civilized nations; and he had accordingly taken great pains to ascertain whether such had been her conduct during the late war. But after applying to the Department of State, to the Chairman of the Committee of Foreign Relations, (who was in England at the time,) and to every source, public and private, whence information could be obtained, he had not been able to hear of a solitary seizure or condemnation of a vessel or cargo under such circumstances, nor of any instance of a seizure of any other description of property, save the one in question. On the other hand, he had obtained positive information of cases in which vessels and cargoes were permitted to remain in England free from seizure, and, many months after the declaration of war, allowed to return home under license from the British Government. So far as he had been able to ascertain the fate of American property, happening to be in England antecedent to the declaration, the British Government seems to have been rigidly attentive to the liberal stipulations of the treaty of '94, made in contemplation of war. The only cases of seizure and condemnation which occurred in England on receiving the intelligence of war, were of vessels and cargoes captured under the Orders in Council, and of vessels putting into England after our declaration of war, not knowing of its existence. All other vessels and cargoes, happening to be in England, were protected by the treaty of '94, and were not seized either as droits of admiralty or *jure coronæ*. The former cases of seizure mentioned were embraced in the first, the latter in the second clause of the 13th article of the project of the treaty before referred to. Vessels and cargoes arriving in England after the declaration of war, had been seized and condemned, and these were the cases which it is understood were intended to be embraced in this second clause; the American Commissioners claiming them because they had come into England ignorant of the war; some had arrived before the intelligence of war reached England. If there were other cases, he had not been able, after a very diligent and extensive inquiry, to obtain any information of them.

Such, then, were the cases for which indemnity was claimed by our Commissioners at Ghent. The British Commissioners rejected this proposition, and upon the most substantial grounds. We had declared war on the 18th June, and commenced hostilities forthwith. These vessels and cargoes were "droits of admiralty," and came immediately within the scope of the Order in Council of 1665; they arrived in England "not knowing of the war." Besides, they were liable to seizure and condemnation, according to the law of nations. Martens tells us "that where there 'are neither treaties nor laws touching these 'points, nations continue still to seize on all the 'property belonging to its enemies' subjects which 'is carried into its territories after the declaration 'of war." There is no provision in the treaty of '94 which exempts property under such circumstances from seizure and condemnation; and, however hard these cases may have been, we have no right to complain of the violation of any treaty, or of any principle of the law of nations.

But, sir, what resemblance is there between the cases to which the Secretary has referred and the case of the Schieffelins? The former was a case of vessels and cargoes, lawful prize to the Lord High Admiral, protected by no treaty nor by the law of nations; the latter was a case of securities or to moneys, under the guardianship of the court, and in the custody of the Government, for years previous to our declaration of war. Five years previous to the decree of condemnation of 1813, had this property been sold in Antigua, and three years before this sequestration had the Lords Commissioners ordered the proceeds to be paid over to the Schieffelins, the lawful owners. The property was in the custody of the Government; it had not reached this custody through any unlawful, or even doubtful act of the Schieffelins, but through the unlawful act of the captors, and the ignorance of the Vice Admiralty Judge, as appeared by the decree of restoration of the Lords Commissioners. This property, thus protected by the decree of the highest court in England in prize cases, was in England antecedent to the declaration of war, and was, throughout all that war, placed by the law of nations, as well as by the treaty of '94, beyond the reach of the Crown or of the Lord High Admiral. Under no circumstances, and at no period during the war, could the property have been taken, without violating the public faith and the solemn obligation of a special treaty.

There is no resemblance whatever between the cases referred to in this report, and the case of the claimants. And it is by involving the latter in the fate of the former that the Secretary reaches the conclusion, that it would be useless to urge on the British Government "claims which had been thus unequivocally excluded." But the report contains a clause, which, if correct, in the fullest latitude of the expressions used, would render any case hopeless indeed. It tells us, "it was dis-'tinctly understood that no retrospect was to be 'taken on either side, of losses occasioned by the 'hostilities incident to war; and no discrimina-'tion admitted, between such as had, and such 'as had not, been sanctioned by the ordinary 'usages of that relation." Now, let us suppose, for a moment, that the British Government had, in violation of the treaty of '94, confiscated a public or private debt of such a nature as to be unquestionably within the provisions of that treaty: Could it be pretended that an understanding between the Commissioners, no where expressed in the Treaty of Ghent, could deprive the citizens or subjects, of either nation, of the rights secured to them by the 10th article of the treaty of '94, an article expressly declared in that treaty to be permanent? or by the 26th article? For this, as well as the former, was made in contemplation of, and could not be abrogated by, war. A decree of a court touching moneys or securities, a right or claim, and a public or private debt, rest precisely on the same foundation. No one will attempt to discriminate between the sanctity of the one and the other. In case of the sequestration of either, nothing short of a positive stipulation in the Treaty of Ghent could have divested the citizens or subjects of either nation of rights firmly secured to them by the 10th and 26th articles of the treaty of '94.

Let us now notice the report of the Committee on Foreign Relations. This report denies that the claim in question is embraced in the clause relied upon by the Secretary of State; but, while he refutes this error, the author of the report falls into one of greater magnitude. He contends that this claim is founded on a loss or damage sustained not *subsequent* but *antecedent* to the declaration of war. This is obviously an error. It is not of the original capture and decree of condemnation in the Vice Admiralty Court, that the Schieffelins now complain. The highest court in England had reversed that decree, and but for the intervening war, the claimants would have long since received indemnity. The war broke out, and a second seizure of their property was the consequence. But for this second seizure and condemnation, the petitioners never would have had occasion to present their case to the attention of this House. It is, therefore, of this second seizure, made subsequent to the war, and consequent condemnation in December, 1813, that they now complain; on these the existing claim is founded. In pursuance of this error the report proceeds, "In the first clause of the project of a 'treaty of the 10th November, 1814, already cited, 'the American Ministers require that indemnity 'shall be made, by his Britannic Majesty, to the 'citizens of the United States, for all losses and 'damages sustained by them during the late war 'between Great Britain and France, and prior to 'the commencement of the present war, by rea-'son of irregular or illegal captures, seizures, or 'condemnations of vessels and other property, 'under color of authority, and contrary to the 'known and established rules of the law of na-'tions." The report adds, "this clause clearly embraces the case of the petitioners." Fortunately for the claimants, it very clearly does not embrace their case. It so happens that this clause was intended to embrace the captures and condemnations

under the celebrated Orders in Council—cases forming one of the prominent causes of the war—virtually abandoned by the Treaty of Ghent. The case in question resembles in no one feature the captures under the Orders in Council; it has nothing to do with them or with this first clause. Hopeless would be the cause of the claimants, were it possible by any process of reasoning, however ingenious, to involve it in the fate of those captures: hopeless indeed would be the claim if it now rested on no stronger foundation, than would the claims for losses under the Orders in Council. Fortunately, however, it is better founded. It is founded on the unlawful act of the Court of Appeals, in arresting the execution of its own decree in December 1813, and condemning to the Crown the property of the Schieffelins. The report concludes, that the rights of the claimants were not extinguished by the Treaty of Peace; but that, nevertheless, it would not become this Government in any manner to interfere in the case.

It is somewhat singular, that, while one Ghent Commissioner contends that the claim is for a loss or damage sustained antecedent, the other considers it to be for a loss or damage subsequent to the war; that while one depends upon the first, the other Ghent Commissioner relies upon the second clause of this 13th article as embracing the case in question. Now, even if by any forced construction either clause of it were made to embrace the case, a question would necessarily arise how its proposition and rejection could possibly affect rights secured by the treaty of 1794. But the truth is, the article never was intended to touch and never did touch the case at all. The Commissioners knew nothing of the sequestration; the claimants themselves at that time knew nothing of it. The Commissioners never could have dreamt that a court in England had, under such circumstances, arrested the execution of its own decree, and condemned the property to the Crown. If they even had known of it, the stipulations of the treaty of 1794 made it unnecessary to introduce any new article in the treaty of 1814. But the claim was never urged, never discussed, and never surrendered at Ghent.

Mr. C. then proceeded to notice the merits of the claim as against the British Government, with reference to the laws of that country and of nations, and remarked, that whilst the rights of the claimants appeared to him to be strongly sustained by Magna Charta, by the maritime law of England, by the existing law of civilized nations, as well as by the treaty of 1794, he could not persuade himself that this claim was so hopeless, as it seemed to be considered in the reports he had noticed.

Whatever may have been the conduct of England towards the citzens of this country, there is no European nation more distinguished for extending to her enemies in time of war the benefit of the law of reciprocity; at least this rule has generally guided her courts in their decisions. Indeed, no principle of English law is more ancient or better established than that which secures the persons and property of enemies from violation and confiscation in the event of war, except by way of retaliation or reprisal. The principle is recognised in the 31st chapter of the original charter of King John. This feature of that celebrated charter is one of the chief ornaments of the laws of England, and has long excited the admiration and commanded the applause even of her enemies. But, the principle recorded in Magna Charta is yet more ancient than the venerable instrument itself. The 31st chapter was founded on the ancient usages of the realm, the laws of Edward the Confessor; in other words, the old common law of the Saxon Kings. Here we perceive it striking its roots deeply in the foundations of English law. This principle is yet more ancient, and has not been limited to Great Britain.

We are told it was a common rule of equity among the Northern nations to treat the enemy as the enemy treated them. This principle has travelled through the English history, and forms, at the present day, a prominent feature in the maritime law of England. But, on this point, he would quote an authority, which would not be disputed, at least in England, and one which commanded respect wherever admiralty law was known. He referred to the opinion of Sir William Scott, given in 1798, in the case of the Santa Cruz, in these words: "I conceive this principle 'of reciprocity is by no means peculiar to cases of 'recapture; it is found also to operate in other 'cases of maritime law: at the breaking out of a 'war it is the constant practice of this country to 'condemn property seized before the war, if the 'enemy condemns, and to restore if the enemy 'restores. It is a principle sanctioned by that 'great foundation of the law of England, Magna 'Charta itself, which prescribes that, at the com-'mencement of a war, the enemy's merchants 'shall be kept and treated as our own merchants 'are treated in their country." This opinion of Sir William Scott, thus positively settling the equitable rule of reciprocity, is peculiarly important in the present case. And now, I would ask, what was the conduct of our Government during the war? For, according to the acts of their Government, the claimants in this case were or were not entitled to the benefit of this rule of reciprocity. Look at the act of July, 1812, authorizing the President to grant passports for the safe conveyance of such British subjects as might wish to leave the country with their effects. Look at the punctilious discharge of the interest on the public debt of the United States held by British subjects; at the permission granted to British subjects to remain in the country throughout the war, secure in person and property; nay, even to British pensioners, though evidently detrimental to the public interest: look at the right and faithful observance by this Government of the liberal, just, and humane stipulations of the treaty of 1794. The honorable conduct of our Government was certainly sufficient to entitle the claimants to the full benefit of this rule of reciprocity, and to secure their property, throughout the war, from sequestration. But, notwithstanding all this, did Sir William Scott, England's great oracle of

justice and maritime law, preside in the Council Chamber and confiscate the property of the Schieffelins; arrest the execution of his own decree, and condemn that property, which was under the protection of the court and in the custody of the Government, as lawful prize to the Crown!

But, said Mr. C., I shall also contend that, even without a treaty, this property was secured from sequestration by the existing law of civilized nations. He was aware that the earlier writers say that the right of war extends to every thing belonging to the enemy. They contend that all things, whether corporeal or incorporeal, may be seized upon and condemned as belonging to the fisc. But, since the age of these writers, commerce and civilization have produced many modifications of the law of nations. Vattel and Martens tell us that, in their time, nations had found it expedient to temper the rigor of this right as to incorporeal things; and the latter adds, "generally 'speaking, a nation does not venture to touch the 'capitals which the subjects of the enemy may 'have in its funds, or that it may otherwise owe 'to such subjects." Since the date of the authorities last mentioned, the principle has been recognised and established by all civilized nations; for, if the language of treaties can make a conventional or general usage from a customary law of nations, the existing and true rule of civilized nations protects incorporeal things from sequestration.

But, happily for the claimants, there is no doubt as to the true rule by which the United States and England are to be governed: the treaty of '94 put all doubt to rest. By the 10th and 26th articles of that treaty, made expressly in contemplation of war, no description of private property belonging to the one country, happening to be in the other precedent to the declaration of war, could be seized and condemned merely in consequence of the war. The 26th article relates to merchants and their property generally. The 10th article is in these words: "Neither the debts 'due from individuals of the one nation to indi-'viduals of the other, nor shares, nor moneys, 'which they may have in the public funds, or in 'the public or private banks, shall ever, in any 'event of war, or national differences, be seques-'tered or confiscated, it being unjust and impoli-'tic, that debts and engagements contracted and 'made by individuals having confidence in each 'other and in their respective Governments, should 'ever be destroyed or impaired by national au-'thority on account of national differences and 'discontents." Here, said Mr. C., I might contend that this was moneys in the Bank of England: that it was a debt of a most sacred character, which the Government ought to have paid before the war; for the moneys were in its custody, and had been repeatedly demanded by the attorney of the claimants: or he might contend that, if not due directly from the Government, it was due from the captors, the Government holding the securities, and that it was in this view a private debt. But he was not disposed to contend for any point which might even appear questionable; his object in introducing this section was, to show, what could not be disputed, that the two Governments had, in this 10th section, (declared to be permanent in the treaty of '94,) recognised the principle that incorporeal things could not, on the breaking out of war, be seized and condemned as belonging to the fisc. The principle is here clearly and permanently settled that all incorporeal things; all debts, public and private; all rights, claims, demands, judgments, or decrees of courts, cannot be, under any circumstances, lawfully seized upon by either Government. This treaty, this conventional law of the two nations, was, in letter and in spirit, binding on both Governments. It was the guide of this Government throughout the war, and we have heard of no instance of a violation of either the 10th or 26th articles, on the part of the British Government, but the one in question.

Some gentlemen may contend that a war abrogrates all treaties and all stipulations of treaties; but that nation must hold her rank and reputation among nations of little importance, which should consider as abrogated by a declaration of war, articles entered into expressly in contemplation of a state of war. Martens is explicit on this point. In speaking of treaties, he says, "Sometimes they 'cease when a State changes its constitution; and 'always when a war, on whatever account, breaks 'out between the contracting parties; except it 'may be such provisions contained in them as 'have been made in case of war." Thus we see that this 10th article, as well as the 26th, was in existence throughout the war, and protected the property of the claimants from seizure and condemnation; and that, at least for all the purposes of this claim, it is in existence now, and is paramount in its authority to the Treaty of Ghent.

This property was certainly seized and condemned in defiance of all law and justice, and in violation of the obligations of a special treaty. Yet, we are told that it is not the duty of the Government to assist in prosecuting the claim. How this sequestration happened it is difficult to imagine, unless it was condemned, without discrimination, with the mass of other property under seizure; for, during the late war, the British Government was certainly not inattentive to the stipulations and engagements of the treaty of 1794.

From all the information he had been able to obtain, it appeared to him that the case was *sui generis;* it stood alone; it is certainly without a parallel, and as yet it has never been urged upon the attention of the British Government. It is time that the attention of that Government should be directed to it, in order that this Government may understand whether, in case of a future war, moneys or sureties, held under judgments or decrees of courts, are to be considered by the two Governments as liable to sequestration. It is important to both nations that this question should be now settled, that no dispute may hereafter arise. Upon this question there ought to exist no doubt. If a due regard to the public faith actuates, as is believed, the present Ministry in Eng-

land, the Schieffelins may yet obtain indemnity. But no matter what may be our doubts on this point; no matter what may be the fate of the claim, there can be but one opinion as to the propriety of adopting the resolution submitted. Justice may be still refused, but the rights of the claimants have not been extinguished, and it is a duty imperative on this Government to grant to the claimants that aid which has been so long virtually denied to them. The American Minister will no doubt urge the claim with that energy its peculiar nature is calculated to excite. And, should he at last fail in obtaining indemnity, he will at least have the consolation of having discharged his duty to his injured countrymen, and the case will furnish an extraordinary example of the injustice of a nation which has long claimed for herself the reputation of being most distinguished for an adherence to the law of nations and the obligations of treaties.

When Mr. C. had concluded, the question was taken on agreeing to the resolution, and determined in the affirmative.

MILITARY APPROPRIATION BILL.

The House then took up the unfinished business of yesterday, being the bill making further appropriations for the military service of the United States for the year 1823, embracing certain Indian appropriations, and concurred in all the amendments made to it in the Committee, except an item of appropriation of $90,000 for the contingent expenses of the Indian Department, and another appropriating $50,000 for the extinction of the Indian title to certain reservations of land within the State of Georgia, made under the treaties of 1817, 1819, and 1821, with the Creek and Cherokee Indians.

Upon the item of appropriation of ninety thousand dollars for the contingent expenses of the Indian Department, excepted by Mr. Cocke from the several amendments agreed to in the House to the above bill, a debate arose, in the course of which it was opposed by Messrs. Lincoln and Floyd, and supported by Messrs. McLane and Vance.

Mr. Cocke moved to lay the bill on the table, accompanying his motion with some remarks on the character of the expenditure of the contingent fund of the Indian Department; which motion was negatived.

The debate was resumed. Mr. Tomlinson spoke in favor of the appropriation, and Messrs. Floyd and Jones against it.

The question on concurring with the Committee in this amendment was then taken, and agreed to.

A debate arose on the second excepted item of appropriation, of fifty thousand dollars for the extinction of Indian titles to land in Georgia; in the course of which it was opposed on the ground of the inexpediency of the measure of making these extinctions, by Messrs. Allen of Massachusetts and Metcalfe, and defended by Mr. Tattnall.

Mr. Allen, of Massachusetts, said he rose to oppose this appropriation, because he was not satisfied that it was required on any ground, and so far as he understood the subject, there existed strong reasons against it. He said it was a complicated subject, involving several questions, affecting the claims of Georgia, the interests of the United States, and the Indians, whose titles it is intended to extinguish. He objected to the manner in which it was brought forward; that it ought to have been presented as a distinct subject, for the deliberate consideration of the House, and not to be pressed to a hasty decision in the form of an appropriation bill. He said he had been principally influenced to resist the measure from an apprehension that it would work an injury to the Indians, who are the owners and occupants of these lands. He was informed they had made considerable improvements upon their estates; that they had built houses; that they were attached to their homes, and to the land where the bones of their fathers repose. By the treaty with this Government, when the tribe ceded to the United States an immense tract of land, there was granted and confirmed, to certain heads of families who were not willing to remove beyond the Mississippi, a life estate in these lands, with the reversion to their children. The children of these men then acquired a vested right in these lands, and their fathers cannot legally or justly divest them of it. Many are now doubtless minors, and incapable by the laws of any civilized country of passing away their estates. And, if we could purchase the rights of the parents, we could not obtain the rights of the children. He appealed to the House whether they would send an agent among them, to make purchases of the parents, and in that way remove the children from the estates in which they had a vested right under the faith of the Government. He said some of them might not be willing to sell and remove, and it would be unjust, by tempting some of them to sell, to introduce in their place another people to disturb their quiet, and break in upon their habits of life. Much had been said of what was due to this unfortunate race; and many attempts had been made to reclaim them from their savage state, and to extend to them the arts of civilization, and the blessings of the Christian religion; and he had understood they had already become cultivators of the soil, and made considerable advances in the arts of civilized life.

In respect to the obligation of the United States to extinguish the Indian title for the benefit of Georgia, it might be said that the Indian title had been extinguished. What sort of title was this? The Indians have never been considered as having private property in their lands, but the title is supposed to be vested in the tribe, or the chief of the tribe, as a sort of body politic. The United States had in fact extinguished the Indian title to these lands, and granted them to these Indians and their children, and they now hold them as their separate property, under the grant of the United States, and they are not aliens, but citizens. How then is their title to be extinguished? It cannot be done by treaty, for they do not exist as a tribe or

body politic. It can only be accomplished by a contract, an actual purchase from every individual proprietor. Suppose some of them refuse to sell, Georgia will then present her claim against the United States for so much as shall not be purchased. I understand that improvements had been made upon this land. Georgia is not entitled to the value of these improvements. The United States were only bound to extinguish the Indian title, and that, when they could do it in a peaceable manner, and on reasonable terms. Who shall determine how much of the sum which may be paid for the purchase of these Indian farms, was for improvements, and how much for the land in its uncultivated state? The subject is beset with difficulties on all hands, and a final adjustment of this business, admitting the claim of Georgia to be a well founded one, cannot be accomplished in this way; and I trust that no appropriation will be made till some plan shall be devised to bring the dispute to a just and amicable conclusion.

But I am not willing to send an agent among these Indians to buy up their lands. If Georgia has a just claim for so much as the Indian title to this land is worth, let us satisfy the full amount of her claim, but let us not break in upon their settlement and arrest their progress in the arts of civilized life. I would not tempt them to do an act so manifestly against their interest and their happiness. They have claims on the protection of this Government, and I appeal to the justice and magnanimity of this House, whether it will adopt a measure which cannot be accomplished without doing injustice to these unfortunate men.

Mr. WILLIAMSON, considering this a very important question, required on it the yeas and nays; in which he was supported in his call.

The debate was renewed. Mr. MONTGOMERY, Mr. REED, of Georgia, and Mr. GILMER, supported the amendment, and Mr. COOK spoke against it.

Mr. WILLIAMSON, expressing a wish to deliver his sentiments on this subject, conceiving it a very important one, and the hour being now late, moved to adjourn; and, on the question to agree thereto, it was negatived—ayes 53, noes 98.

Mr. WILLIAMSON then continued the debate against the amendment, followed on the same side by Mr. INGHAM and Mr. METCALFE.

Before taking the question, the House adjourned at half past five o'clock.

MONDAY, February 24.

Mr. JOHNSTON, of Louisiana, presented a report of a joint Committee of the Senate and House of Representatives of the State of Louisiana, which committee had been instructed by a resolution of said Legislature, to inquire into the practicability and expediency of opening a new and shorter mail route between New Orleans and Washington City.

Mr. SCOTT presented the memorial of the Legislature of the State of Missouri, praying that competent tribunals may be constituted to decide definitively upon unsettled claims to land in said State.—Referred.

Mr. PLUMER, of New Hampshire, from the Committee on the Judiciary, to which the subject had been referred, reported a bill altering the time of holding the circuit court in the districts of Maine and New Hampshire; which was read twice, and ordered to be engrossed, and read a third time to-morrow.

Mr. FULLER, from the Committee on Naval Affairs, to which was referred on the 3d instant, certain resolutions of the General Assembly of Alabama, requesting the passage of a law laying tonnage duties in the ports of Mobile and Blakeley, made an adverse report thereon; which was read, and laid on the table.

Mr. FULLER, from the same committee, made a report, accompanied by a bill to authorize the purchase of two powder magazines, and the land connected therewith, near the navy yard in Brooklyn; which bill was read twice, and ordered to lie on the table.

Mr. WALWORTH, from the Committee on Military Affairs, to which was referred the petition of Captain Pollard, Blue Eyes, and Jim Robinson, chiefs of the Seneca tribe of Indians, in behalf of William Parker, Rock, and Thomas, three Seneca Indians, residing at Buffalo, in the State of New York, made a favorable report thereon; which was read, and committed to the Committee of the Whole, to which is committed the bill concerning invalid pensioners.

Mr HOOKS, from the Committee on the Post Office and Post Roads, reported a bill for the relief of Thomas W. Bacot; which was read twice, and committed to a Committee of the Whole.

On motion of Mr. THOMPSON, the Committee of the Whole, to which is referred the reports of the Military Committee in the case of the Georgia militia claim for military services rendered during the years 1792, '93, and '94, and the bill from the Senate relative to this subject, was discharged therefrom, and they were ordered to lie on the table. Mr. T. said, the passage of the bill from the Senate on this subject being of considerable importance to many individuals in the State of Georgia, he felt a hope that he should be indulged, at some time this week, in having it taken up.

On motion of Mr. JOHNSTON, of Louisiana, the Committee on the Judiciary were instructed to inquire into the expediency of extending the provisions of the third section of the act of the 15th May, 1820, providing for the punishment of piracy, on conviction before the circuit court, to convictions before the district court of the United States.

On motion of Mr. COCKE, the Clerk of this House was authorized and directed to make the same allowance for extra services to each person serving this House, as was granted at the end of the last session.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act to amend an act, entitled 'An act for ascertaining claims and titles to land in the Territory of Florida,' approved the 8th of May, 1822:" Also, a joint resolution directing the printing of the Journal of Congress from the 5th day of September, 1774, to the 3d November, 1786; in which

bill and resolution they ask the concurrence of this House.

The bill, entitled "An act supplementary to, and to amend an act, entitled 'An act to regulate the collection of duties on imports and tonnage,'" passed the second day of March, 1799, and for other purposes, returned from the Senate with sundry amendments, and subsequently reported upon by the Committee of Ways and Means, to whom the bill and amendments were referred, was, by unanimous consent, taken up, and the report of the committee, recommending the agreement of the House to some, and its disagreement to others, was concurred in, and the bill was then returned to the Senate.

A Message received from the PRESIDENT OF THE UNITED STATES on the 22d instant, was read, as follows:

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 11th of this month, requesting information whether any prize agents have neglected to render an account of their agency, and to pay over the money in their hands; the names of those who have failed; the sums unaccounted for; and whether any of those thus failing are in the employ of the Government, and their compensation, has been in consequence suspended; I transmit a report from the Secretary of the Navy, with the documents referred to by him.

JAMES MONROE.

FEBRUARY 22, 1823.

The Message and documents were laid on the table.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, containing the information required by the resolutions adopted by this House, on the 31st ultimo, in relation to the debt owing from the Bank of Vincennes to the United States; which letter was ordered to lie on the table.

The engrossed bills "to discharge John Burgin from imprisonment," and "concerning stamps," were severally read a third time, passed, and sent to the Senate for concurrence.

The amendments proposed by the Senate to the bill, entitled "An act for laying out and making a road from the Lower Rapids of the Miami of Lake Erie to the western boundary of the Connecticut Western Reserve, in the State of Ohio, agreeably to the provisions of the treaty of Brownstown;" were read, and concurred in by the House.

The bill from the Senate, entitled "An act to amend an act, entitled 'An act for ascertaining claims and titles to land in the Territory of Florida,' approved the 8th of May, 1822; was read twice, and committed to the Committee of the whole House, to which is committed the bill of this House, amending and supplementary to the "Act for ascertaining claims and titles to land in the Territory of Florida," and to provide for the survey and disposal of the public lands in Florida.

The resolution from the Senate, "directing the printing of the Journal of the Old Congress, from the fifth day of September, 1774, to the 3d day of November, 1786," was read twice, and referred to the Joint Committee on the Library.

Mr. ALLEN, of Massachusetts, gave notice that he would, to-morrow, at 12 o'clock, move that the House then proceed, by ballot, to the choice of a Printer, to execute the printing of the House of Representatives during the Eighteenth Congress, in pursuance of the joint resolution of the 3d of March, 1819.

OFFICE OF MEASURER.

The House then, on motion of Mr. NEWTON, of Virginia, proceeded to the consideration of the bill to abolish the office of measurer in the several ports of entry in the United States. The bill is in the following words:

Be it enacted, &c., That, from and after the thirtieth day of June next, the office of measurer, as now established by law, in the several collection districts, be, and the same is hereby, abolished; and the powers and duties heretofore exercised and performed by the measurers, in the said districts, shall, from and after the said thirtieth day of June, be exercised and performed, by the inspectors; and such inspectors shall exercise said powers, and perform said duties and services, for the daily compensation allowed to inspectors for services in aid of the customs.

A debate arose on the principle of this bill, in which those who defended the bill contended that a saving of twenty-five thousand dollars annually, would be effected to the Government by passing the bill, without any prejudice to the revenue or to the public interest; while those who opposed the bill argued that a saving might accrue to the revenue by abolishing this office in the small ports, but that it would be detrimental to the revenue and prejudicial to the mercantile interest, if the abolition were to apply to the large ports of the United States.

Two or three motions were made, only with a view, by the movers, of obtaining further information on the subject, to lay the bill on the table; which motions were severally negatived.

Those who engaged in the discussion were Mr. NEWTON, Mr. MCKIM, Mr. LITTLE, Mr. BURROWS, and Mr. HILL, in favor of the abolition of the office of measurer, and Mr. CAMBRELENG, Mr. COLDEN, Mr. HAMILTON, Mr. POINSETT, and Mr. MORGAN, in earnest opposition to it.

Mr. HAMILTON then proposed the following amendment to the bill:

"*Provided*, That the provisions of this act shall not be extended to the ports of Boston, New York, Philadelphia, Baltimore, Charleston, and New Orleans."

Mr. HILL spoke against the amendment.

Mr. BARSTOW, of Massachusetts, proposed to amend the amendment by inserting "Salem" as one of the excepted ports.

This motion was negatived.

The amendment proposed by Mr. HAMILTON was also negatived.

Mr. CAMBRELENG, believing this to be an important measure, and being himself opposed to it, wished to record his vote upon it, and therefore required the yeas and nays on the question of engrossing it for a third reading.

Mr. CONDICT then moved to postpone the further consideration of the bill indefinitely; which motion was decided in the negative.

Some further conversation took place, in which Mr. JOHNSTON, of Louisiana, Mr. LITTLE, Mr. McKIM, Mr. BARSTOW, Mr. MALLARY, Mr. DURFEE, Mr. BURROWS, and Mr. TOMLINSON, engaged.

The question on ordering the bill to be engrossed and read a third time, was decided as follows:

YEAS—Messrs. Abbot, Alexander, Allen of Tennessee, Archer, Barber of Conn., Bateman, Baylies, Bayly, Bigelow, Breckenridge, Brown, Buchanan, Burrows, Butler, Campbell of Ohio, Cannon, Cassedy, Chambers, Conkling, Conner, Crafts, Darlington, Denison, Eddy, Edwards of Connecticut, Edwards of North Carolina, Farrelly, Findlay, Floyd, Forrest, Forward, Gebhard, Gist, Gross, Hall, Hardin, Harvey, Hawks, Hill, Hooks, Jackson, F. Johnson, Kent, Keyes, Kirkland, Lathrop, Leftwich, Lincoln, Little, McCoy, McKim, McNeill, McSherry, Mallary, Matlack, Matson, Mattocks, Mercer, Mitchell of Pennsylvania, Moore of Virginia, Moore of Alabama, Murray, Neale, New, Newton, Patterson of Pennsylvania, Phillips, Plumer of New Hampshire, Plumer of Pennsylvania, Randolph, Reed of Maryland, Reid of Georgia, Rhea, Rich, Rochester, Rodney, Ross, Russ, Saunders, Sloane, Arthur Smith, Alexander Smyth, Sterling of Connecticut, Sterling of New York, Stoddard, Swan, Taylor, Thompson, Tomlinson, Tracy, Tucker of South Carolina, Udree, Vance, Van Rensselaer, Van Wyck, Whipple, White, Williams of Virginia, and Williams of North Carolina—99.

NAYS—Messrs. Allen of Massachusetts, Ball, Barstow, Bassett, Blackledge, Borland, Cambreleng, Campbell of New York, Carter, Colden, Condict, Cook, Cushman, Dane, Dickinson, Durfee, Dwight, Edwards of Penn., Fuller, Gorham, Govan, Hamilton, Harris, Hemphill, Herrick, Hobart, Holcombe, Hubbard, Ingham, J. S. Johnston, Litchfield, McCarty, McLane, Morgan, Nelson of Massachusetts, Patterson of New York, Pierson, Pitcher, Poinsett, Reed of Massachusetts, Ruggles, Russell, Sergeant, Walworth, Williamson, Wood, and Woodcock—47.

So the bill was ordered to be read a third time to-morrow.

MILITARY APPROPRIATION BILL.

The House resumed the consideration of the bill making further appropriations for the military service of the United States, for the year 1823, [Expenses of intercourse with the Indians,] and the question which was depending on Saturday, again recurred, to wit: to concur with the Committee of the whole House on the state of the Union, in their amendment, adding to the said bill the following item, viz:

"For the extinction of the Indian title to certain reservations of land within the limits of the State of Georgia, made under the treaties of 1817, 1819, and 1821, fifty thousand dollars."

The discussion of this amendment was renewed, and occupied a considerable portion of the day. Messrs. TRACY, HARDIN, INGHAM, COOK, and ALLEN of Massachusetts, speaking against granting the appropriation, and Messrs. A. SMYTH of Virginia, McLANE, JONES of Tennessee, REID of Georgia, and DWIGHT, in support of it.

The question was then taken on concurring, by yeas and nays, and decided as follows:

YEAS—Messrs. Abbot, Alexander, Allen of Tennessee, Barstow, Bassett, Bateman, Baylies, Blackledge, Cambreleng, Campbell of Ohio, Cannon, Carter, Cassedy, Condict, Conkling, Conner, Cuthbert, Dane, Durfee, Dwight, Eddy, Edwards of North Carolina, Floyd, Garnett, Gist, Govan, Hall, Hamilton, Herrick, Hooks, Jennings, F. Johnson, J. T. Johnson, J. S. Johnston, Kent, Keyes, Kirkland, McCarty, McDuffie, McKim, McLane, McNeill, McSherry, Mallary, Montgomery, Moore of Virginia, Nelson of Massachusetts, Pitcher, Reed of Massachusetts, Reid of Georgia, Rhea, Rochester, Ruggles, Russell, Saunders, Arthur Smith, Alexander Smyth, W. Smith, A. Stevenson, Tattnall, Thompson, Tucker of South Carolina, Van Wyck, Walker, Walworth, Whipple, Williams of North Carolina, Wilson, and Wood—70.

NAYS—Messrs. Allen of Massachusetts, Ball, Bayly, Bigelow, Borland, Breckenridge, Brown, Burrows, Butler, Campbell of New York, Chambers, Cook, Crafts, Cushman, Darlington, Denison, Dickinson, Edwards of Connecticut, Edwards of Pennsylvania, Findlay, Fuller, Gebhard, Gorham, Gross, Hardin, Harris, Harvey, Hill, Hobart, Ingham, Jackson, Jones of Tennessee, Lathrop, Leftwich, Lincoln, Litchfield, Little, McCoy, Matlack, Matson, Mattocks, Metcalfe, Mitchell of Pennsylvania, Morgan, Murray, Neale, Nelson of Maryland, Newton, Patterson of Pennsylvania, Phillips, Pierson, Plumer of New Hampshire, Plumer of Pennsylvania, Reed of Maryland, Rodney, Russ, Sloane, Sterling of Connecticut, Sterling of New York, Stoddard, Swan, Taylor, Tod, Tomlinson, Tracy, Trimble, Udree, Upham, Vance, White, Williams of Virginia, Williamson, and Woodcock—73.

The amendment being thus rejected—

The bill was ordered to be engrossed for a third reading.

Mr. TAYLOR moved that when this House adjourn, it adjourn to meet at 6 o'clock this evening. In this motion Mr. T. was supported by Mr. McLANE, and opposed by Mr. RHEA.

Before the question was taken on this motion—

Mr. EDWARDS, of North Carolina, moved that the House do now adjourn; which motion prevailed—ayes 60.

TUESDAY, February 25.

The SPEAKER presented a memorial of Enrico Causici, statuary, setting forth that he has completed an alto relievo for the centre building of the Capitol, representing the landing of Columbus on the new continent, as, also, one destined for the east portico of the Capitol, and praying that he may be employed to execute these works in marble; as also to execute in marble the colossal statue, representing the Genius of the Constitution, which is now placed, of plaster, over the Speaker's chair; which memorial was referred to the Committee on the Public Buildings.

Mr. McCOY, from the Committee on Military Affairs, made a report on the petition of Nimrod Farrow, and Richard Harris, accompanied by a bill for their relief; which bill was read twice, and ordered to be engrossed for a third reading to-morrow.

Mr. Walworth, from the same committee, to which was referred, on the 3d instant, a memorial of the General Assembly of the State of Alabama, respecting the fortifications of Mobile Point, and Dauphin island, made an unfavorable report thereon; which was read, and laid on the table.

Mr. Cannon, from the Committee on the Public Lands, to which was referred the bill from the Senate, entitled "An act to repeal so much of an act, passed the 18th of April, 1806, as limits the price of certain lands in the State of Tennessee," reported the same, without amendment, and it was ordered to be read a third time to-morrow.

Mr. Ball made an unsuccessful motion to reconsider the vote of yesterday on the item of appropriation of fifty thousand dollars for the extinguishment of Indian titles to certain reserved sections of land in the State of Georgia. [The vote upon this motion was, ayes 52, noes 59.]

The select committee, appointed on the subject of the currency of the United States, was, on motion of Mr. Rochester, discharged from the further consideration of the subjects which had been referred to that committee; and the committee was, of course, dissolved.

Mr. Rhea moved the following resolution:

Resolved, That the Committee on Indian Affairs be instructed to inquire into the expediency of providing, by law, to extinguish the claim and claims of individual Indians belonging to any nation or tribe of Indians, to certain tracts of land lying within any State of the United States; which tracts of land have, by treaty or treaties, made by and between the United States and such nation or tribe of Indians, to which such individuals do respectively belong, been reserved and secured to such individual Indian or Indians respectively.

Upon the question of agreeing to this resolution, it was determined in the negative.

The Speaker communicated a letter from the Secretary of the Treasury, transmitting a list of maps, charts, newspapers, and books, purchased at the public expense for the use of the department; which letter and statement were ordered to lie on the table.

Engrossed bills "for the relief of Nimrod Farrow and Richard Harris," and for "altering the times of holding the Circuit Court of the United States for the District of New Hampshire," were severally read a third time, passed, and sent to the Senate for its concurrence.

The engrossed bill to "abolish the office of Measurer" being on its passage to a third reading—

Mr. Wood, of New York, rose up to protest against the passage of this bill, for reasons which he submitted at some length. He was replied to by Mr. McKim and Mr. Tomlinson; when the question was taken on the passage of the bill, and decided in the affirmative. The bill having passed, it was sent to the Senate for its concurrence.

An engrossed bill making appropriations for the military service of the United States for the year 1823, &c., was read a third time, passed, and sent to the Senate for its concurrence.

On motion of Mr. Sterling, of New York, the House took up the bill for the relief of Samuel F. Hooker. The bill was opposed by Mr. Williams, of North Carolina, and advocated by Mr. Sterling, of New York, and Mr. Fuller, and then ordered to be engrossed for a third reading to-morrow.

The House, on motion of Mr. Rankin, next took up the bill further to extend the provisions of the act, entitled an act supplementary to an act, entitled "an act for the relief of the purchasers of public lands, prior to the 1st July, 1820," and, after agreeing to several amendments proposed thereto by Mr. Rankin, the bill was ordered to be engrossed for a third reading.

The House, pursuant to a motion of Mr. Taylor to that effect, agreed to have a recess of two hours from 4 o'clock this afternoon, to meet again at six.

Mr. Scott made an unsuccessful motion to have the Committee of the Whole discharged from the further consideration of the bill to enable the holders of incomplete titles to land in Missouri to try the same.

MINT AND CURRENCY.

On motion of Mr. Rochester, the Committee of the Whole was dicharged from the further consideration of the bills of the following titles:

A bill further to prolong the continuance of the Mint at Philadelphia; the bill to continue in force the act, entitled "An act regulating the currency within the United States, of the gold coins of Great Britain, France, Portugal, and Spain, and the crowns of France, and five franc pieces," passed the 29th day of April, 1816, so far as the same relates to the crowns of France and five franc pieces; and the bill making the gold coins of Great Britain, France, Portugal, and Spain, receivable in payments on account of public lands.

The first of these bills being taken up by the House, it was ordered to be engrossed for a third reading, without opposition.

The next bill was then taken up, in the following words:

"*Be it enacted, &c.*, That so much of the act, entitled "An act regulating the currency within the United States, of the gold coins of Great Britain, France, Portugal, and Spain, and the crowns of France and five franc pieces," passed on the 29th day of April, one thousand eight hundred and sixteen, as relates to the crowns of France and five franc pieces, shall be, and the same hereby is, continued in force, for the further term of two years, from and after the fourth day of March next."

Mr. McKim moved to amend the bill by extending the operation of the bill to *four* years, instead of *two*, for mercantile reasons, which he stated.

The motion was assented to by Mr. Rochester, and agreed to by the House. And, thus amended, the bill was ordered to be engrossed for a third reading to-morrow.

The third bill is in the following words:

"*Be it enacted, &c.*, That, from and after the passage of this act, the following gold coins shall be received in all payments on account of public lands, at the several respective rates following, and not otherwise, viz: the gold coins of Great Britain and Portugal, of their present standard, at the rate of one hun-

dred cents for every twenty-seven grains, or eighty-eight cents and eight-ninths per pennyweight; the gold coins of France, of their present standard, at the rate of one hundred cents for every twenty-seven and a half grains, or eighty-seven and a quarter cents per pennyweight; and the gold coins of Spain, of their present standard, at the rate of one hundred cents for every twenty-eight and a half grains, or eighty-four cents per pennyweight.

SEC. 2. *And be it further enacted*, That it shall be the duty of the Secretary of the Treasury to cause assays of the foregoing coins to be made at the Mint of the United States at least once in every year; and to make report of the result thereof to Congress."

This bill, also, was ordered to be engrossed for a third reading to-morrow, without debate or opposition.

ELECTION OF PRINTER.

Mr. ALLEN, of Massachusetts, pursuant to the notice he yesterday gave, that the House this day proceed to ballot for a Printer, to execute the printing for the next Congress, now made a motion to go into the election of the said Printer.

Mr. MCLANE moved to postpone the election of Printer until Saturday next.

Mr. MOORE, of Alabama, Mr. SAUNDERS, and Mr. WRIGHT, were against so long a postponement.

On the question to agree to the postponement, it was determined in the negative.

Mr. LITTLE then moved to postpone the motion of Mr. ALLEN until to-morrow.

Mr. WILLIAMS, of North Carolina, and Mr. COCKE spoke against the postponement, stating that the House was, in pursuance of the notice given yesterday, fully prepared now to vote upon the subject.

Mr. LITTLE'S motion was negatived.

Mr. COOK, believing that some of the members, like himself were not prepared at this moment to go into the election of Printer, moved that the subject be taken up this evening at six o'clock, the hour to which the House will have adjourned.

Mr. HERRICK dissenting to this course—

Mr. COOK withdrew his motion.

The question was then taken on agreeing to the motion of Mr. ALLEN, of now proceeding to ballot for a Printer; and it was determined in the affirmative.

After the nomination of candidates—

The House then proceeded to the balloting, and, upon counting the votes by the tellers, Messrs. COCKE and MALLARY, it appeared that the whole number of votes was 155, of which 79 were necessary to a choice.

For Gales & Seaton - - - -	102
Andrew Way, junior - - - -	43
Other persons - - - - -	10

Gales & Seaton were then declared duly elected Printers to the next Congress.

FORTIFICATIONS.

The House, on motion of Mr. MCLANE, again resolved itself into a Committee of the Whole on the state of the Union, Mr. TAYLOR, of New York, in the Chair, resuming the consideration of the bill last under examination in that Committee.

The question pending before the Committee was on agreeing to an appropriation of fifty-eight thousand dollars for the further continuation of Fort Delaware on the Pea Patch.

Some explanation on this point took place between Mr. COCKE and Mr. MCLANE; Mr. C. opposing the appropriation, and Mr. MCL. supporting it.

On the question to make this appropriation, it was determined in the affirmative.

The item of forty-six thousand dollars for Fort Washington, was next taken up.

Upon this item a debate arose, in which Mr. TRACY earnestly opposed the appropriation, supported by Mr. COCKE, and Mr. MCLANE as earnestly advocated the appropriation.

The appropriation was agreed to.

The remaining items of appropriation received the sanction of the Committee, almost without a dissenting voice.

Mr. TOMLINSON moved to amend the bill, by inserting at the end of it an appropriation of twenty thousand dollars, in addition to the annual appropriation for arming the militia of the United States.

Hereupon a discussion arose, in which Mr. TOMLINSON, Mr. TRIMBLE, Mr. HUBBARD, and Mr. BURROWS, supported the appropriation, and Mr. BASSETT, Mr. WRIGHT, and Mr. RHEA, opposed it.

On the question of agreeing to the amendment, it was determined in the affirmative—ayes 63, noes 45.

Mr. STEWART moved the following amendment:

"For enabling the President of the United States to employ a competent number of Military or Topographical Engineers to ascertain the practicability and probable expense of uniting the waters of the Potomac and Ohio by a canal, the sum of three thousand dollars."

The amendment having been read—

Mr. STEWART said, he regretted that it had become necessary to bring this subject before the House, by way of amendment to a bill providing for other and, in his opinion, less important objects. He had hoped, he said, that the Committee on Roads and Canals, to whom many petitions upon this subject had been referred during the session, would have made a special report in its favor; but, he was sorry to say, that a majority of that committee, doubting the constitutionality or expediency of the measure, had not thought proper to act upon it at all. There remained, therefore, he said, no way left by which the wishes of the petitioners (and most of them were his constituents) could be gratified, but his offering the amendment he had proposed.

The union of the great rivers of the East and and the West, opening an inland navigation of near three thousand miles, through the heart and centre of this immense Republic, and binding it together by the strongest ties—the ties of interest and intercourse—was, in every point of view, a national object of the first magnitude; an object

which could not fail at any time to command the favorable attention of the House; but, at this moment, he said, it was peculiarly interesting. Sir, said Mr. S., this great subject forty years ago occupied the anxious attention of the wisest and best man that this or any other country had ever produced—he would name but Washington, its zealous advocate—the advocate of every thing promotive of the good and the glory of his country. The subject, he said, had been recently revived, and now occupied the attention of several of the greatest States in the Union. But a few days since a bill, he said, had been passed by the Legislature of Virginia, incorporating a company, with a capital of two millions of dollars, for the purpose of carrying this canal from tide water, at this city, to Cumberland, two-thirds of the whole distance to Pittsburg. This was an act of liberal and enlightened policy, worthy of that great State. In the Maryland Legislature, though there was evidently a majority in favor of this measure, yet its friends had consented to its postponement, with a view to bring it forward under more favorable auspices at the next session. In the Legislature of Pennsylvania it appeared, from a letter he had just received, a committee, raised upon this subject, had reported decidedly in its favor; and he hoped the great and growing States of Ohio and Kentucky, so deeply interested, (where he understood this subject was now agitated,) would be found willing to afford a prompt and hearty cooperation. And shall we sit here, the quiet, passive, and indifferent spectators of these great efforts to accomplish an object so vitally interesting to the union and prosperity of this nation? He hoped not. He hoped this proposition would be adopted; it would at least afford countenance and encouragement; it would stimulate and strengthen the efforts of its friends in the States; it was due to them—it was due to the country.

Sir, I am told by a gentleman near me, said Mr. S., that this is not a proper bill in which to introduce this amendment. I beg leave, sir, to differ with the gentleman. What is the object of this bill? It is to provide for the defence of the country, and especially for the defence of this city, by the erection of forts and fortifications. You have just, said he, voted $46,000, to be expended, during the next season, on a fort near the confines of this District of ten miles square, a few miles below Alexandria. Sir, I ask, which will afford the most effectual defence to this city, the erection of this fort, or the opening of this canal? The canal, continued Mr. S., will make this one of the greatest commercial cities in the Union. A water communication is opened into the interior, which must throw into this city all the rich, varied, and abundant productions of the agricultural and manufacturing industry of the West; and here they will purchase most of the immense quantities of goods required for the supply of those great and growing States. Thus, sir, you increase the population, you increase the wealth, the strength, the resources of this city; and this, sir, give me leave to say, is the best way to defend it—by increasing its men, its bone, its muscle, by adding to the number of balls and bayonets to encounter the enemy on its approach. But, sir, of what avail will be your forts and fortifications, some fifteen or twenty miles distant? The enemy will avoid your forts, and attack and burn your city, as they did during the late war, and return unmolested. Sir, had Washington lived to carry into effect this splendid purpose, this Capitol never would have been violated and profaned by a hostile foot, nor our public edifices consumed by a Vandal foe.

But, sir, this very communication is pointed out and recommended, by the present Secretary of War, as connected with the military defence of the country, in his very able and luminous report, made some time since, on the subject of "military roads and canals." And if, sir, it has been shown that this measure is better calculated to secure the defence of this city, in time of war, than the forts provided for at an expense of millions, how is it in time of peace? Your forts are a constant burden of expense—the other is a source of unceasing profit and advantage. To support the one, you must keep a standing army in time of peace; the other, while it affords every facility, in peace and in war, to trade and intercourse, uniting and bringing more nearly together distant parts of our country, giving interest and activity to new sources of wealth, will yield you, perhaps, twelve or fifteen per cent. on the stock invested. The one is effected at the joint expense of this Government, and States, and individuals interested; the other exclusively out of the public purse. For these reasons, I say, the gentleman is mistaken, when he supposes this amendment has no connexion with the bill under consideration.

In another point of view, the nation, said Mr. S., has a deep interest in the growth and prosperity of this city. Sir, this Government owns five thousand lots. These lots, I discover, are estimated at two millions of dollars. By this measure, they will be enhanced more than five-fold in value. They would at once become an object of speculation to the capitalist. Without this canal, this city and your public property must decline together. The avenues now open to the public Treasury must soon be closed; and the immense expenditure of money, in building and rebuilding the Capitol, the public offices, &c., must soon cease; and the crowd of population which has thus been fed upon the offal of the public Treasury must depart and seek employment elsewhere, leaving the capital of this proud Republic, the wonder and admiration of the world, a melancholy scene of desolation and decline.

The perfect practicability of uniting the waters of the Potomac and the Ohio seems to be no longer doubtful. On this subject, there exists but one opinion among the many skilful and experienced engineers who have examined the head waters of these streams. They are found to approach within two miles, at a point where the water in each is abundantly sufficient to turn mills in the dryest seasons, or supply canals to any extent. [Mr. S. here referred to the report of the Virginia and Maryland Commissioners, laid upon the table a few days since.] This report, made,

said Mr. S., by gentlemen of the highest respectability, possessing much practical skill, not only establishes the practicability of uniting these streams, but it shows, by a minute calculation, that the whole sum required to complete this canal to Cumberland, two-thirds of the whole distance to Pittsburg, would be $1,578,954, not one-fourth part of the sum required to complete the New York canal; this splendid work, once denounced as chimerical and absurd, is now the object of universal admiration and applause. But is it, in any point of view, as important as the canal now proposed? Compare them. The New York canal passes through a single State, and terminates on our Northern frontier. The Ohio and Potomac canal will pass through the heart and centre of this Republic, opening a water communication from the Seat of the National Government to the city of New Orleans; affording its advantages to all the intermediate States, wafting the immense and various productions of the interior through this city to their appropriate markets, at one-twentieth part of the present cost of transportation by land. Besides, this canal enjoys the advantages of the coal trade, which nature has denied to the other, and being in a milder climate will remain several months longer unobstructed by ice.

But this report, continued Mr. S., establishes two other propositions, to which he begged leave to call the attention of the House. The first, though not new, he said, was important; it was, that the difference in the cost of transportation by canals and by land was as twenty to one; that is, that the cost of carriage on canals was one-twentieth part only of the cost upon roads. This was, he believed, a common result to which all writers on the subject had come, and which was confirmed by the use of canals wherever adopted; from this, it evidently followed that the opening of this canal would place the Seat of the National Government, for all the purposes of trade and of intercourse, within fifteen and a half miles of Pittsburg. The whole distance by water would be three hundred and ten miles; divide this by twenty, gives fifteen and a half by land. It has been ascertained, said he, that the sum paid in Pittsburg alone, in one year, for the transportation of goods for the supply of Ohio, Kentucky, &c., had amounted to $1,500,000; divide this by twenty, and it will be reduced by the canal to $75,000, saving the West from an annual taxation of $1,425,000. For the cost of transportation was, he said, paid by the consumer of the goods, in the same way that he paid the duty that enriched the public Treasury. But Pittsburg was not the only place of deposite. Mr. S. here read from a letter which he had lately received from a respectable merchant in Wheeling, who stated that he received on an average $3,000,000 worth of goods per annum, at his store, transported on the Cumberland road, for the carriage of which he paid about $120,000; by the canal, this sum would be reduced (according to the principle of the report to which he referred) to $6,000. But an equal saving would be effected on the transportation of the agricultural, and other products of the interior, to the Eastern markets. He would mention, he said, a single fact, which might illustrate the importance of this object: from the returns of the marshals, in 1810, it appeared that there had been manufactured in the western counties of Pennsylvania alone, in that year, 417,181 barrels of flour and whiskey. These articles were now carried principally over the mountains, in wagons, at an expense of about three dollars per barrel, which by the canal would be reduced to fifteen cents per barrel. The glass manufactured in his neighborhood, he said, was transported to Baltimore by land, at an expense of near one-fourth of the price received; (a higher duty than was paid by the foreign article;) on this canal, instead of one dollar per box, they would pay five cents. These were a few instances selected to illustrate the advantages of this work; and the results, he repeated, were inevitable, if the principle laid down in the report was correct; and it was confirmed by universal experience, and by all writers on the subject with which he had become acquainted. And here, he said, he would appeal to gentlemen opposed to the encouragement of domestic manufactures, and he would ask them whether, while they withheld from the interior and the West, the benefits of domestic manufactures, which were the only markets for the consumption of their heavy agricultural products, they would also withhold every facility for carrying them to an Eastern market, by which the price would be reduced to the purchaser, and increased to the seller? He hoped such injustice as this would find no advocate on that floor.

The other position established by the commissioners in their report, to which he referred, was this—that a moderate toll upon this canal could not fail to yield a revenue of at least fifteen per cent. on the stock invested. And this was supported and confirmed by another able writer on this subject, late a Senator in Congress, who showed that a much larger amount would be received from the profits of the coal trade alone, independent of the tolls on the lumber, lime, goods, and the various productions of the interior. And this would, perhaps, not be considered extravagant, when we recollect that in England some of the canals employed exclusively in the transportation of coal yield a revenue of one hundred and seventy per cent. per annum, and the shares of stock had increased in value from one hundred to three thousand five hundred pounds each. He referred, he said, to the Loughborough canal, which overcome a fall of more than twenty-eight feet per mile, while an average of less than eleven feet would overcome the fall from this city to the summit level of the Alleghany mountain. The whole fall from the top of the mountain to tide-water was two thousand two hundred and fourteen feet. He had in his hand, he said, a statement of the value of the stocks and the tolls collected on thirty canals in England, taken from a London Magazine of 1812, from which it appeared that these stocks, upon an average, had increased in value six hundred per cent., and

yielded an average profit of thirty per cent. per annum; from which he was induced to believe that the commissioners were not extravagant in saying that the proposed canal would yield fifteen per cent.; and the more especially when it is considered that the proposed canal would be little more than three hundred miles in length. Yet it will promote our inland navigation of near three thousand, and of course draw to itself all the advantages of the immense, populous, and productive countries bordering on the Mississippi, Ohio, the Potomac, the Chesapeake, and their tributary streams. If, then, the toll be so regulated as to yield fifteen per cent., would it not be the interest of the Government, as a measure of revenue, independent of the thousand other advantages, to borrow the money, as is proposed in a very able report made upon this subject during the last session? Any sum could be readily obtained, at home or abroad, at five per cent. The last loan was obtained for less.

Suppose, then, the Government were to loan three millions, the whole sum required, at five per cent., and make it irredeemable for twelve years: the funds being all on hand, the canal, it is believed, could be completed in six years—perhaps less. Let the toll then yield fifteen per cent., and in less than twelve years from the date of the loan the tolls alone will amount to a sum sufficient to satisfy and pay the whole of the debt and interest, without taking one cent from the public Treasury—leaving the Government the absolute proprietors of three millions of stock, yielding annually into the Treasury the sum of four hundred and fifty thousand dollars. Regulate your tolls so as to yield fifteen per cent.—the sum fixed by the commissioners in their report—and this result is inevitable. It is a matter of mathematical demonstration, and these profits must of course increase with the increasing trade, resources, and population of the West.

On this subject, Mr. S. said, he professed to have no practical knowledge. His reasoning was predicated upon the principles of the report of the commissioners—all of whom were men of talents—some of them practical men, who had been engaged in the construction of the James River Canal. He therefore considered their opinions entitled to great respect. If they were wrong, his reasoning would be in the same degree erroneous.

Mr. S. said, he rejoiced that the dawn of internal improvement, by canals, began to open upon this nation, and to dispel the doubt and darkness which had so long enshrouded us. The New York canal, he hoped, would have the effect here that the Bridgewater canal had in England; that it would awaken the nation to a sense of its true interest. In 1759, when the Duke of Bridgewater finished his canal in England, there was not another in that Empire; in 1806, there was completed 245, and legislative provision made for 57 others; 22 of these united the waters of the East and the West, crossing a mountain, which separated that country as the Alleghany did this. Thirty-two miles were entirely subterraneous. To destroy these canals would be to cut the veins which gave circulation to the life's blood of that powerful nation. France, he said, had not been inattentive to this important subject; she had made many canals, at a great expense. Upon one she had expended more than twelve millions of dollars. Other Governments had been even more provident. Claudius, one of the Roman Emperors, it was said, had employed 30,000 men for twelve years, upon a single canal; and Holland, scarce half as large as some of our States, had expended upon canals, £300,000,000, more than double the whole amount of the expenditures of this Government since the formation of the Constitution. Sir, said Mr. S., we have expended $582,000,000. In the last twenty years, $469,000,000 had been expended. What had become of it? It was gone. Expended on navies, and armies, and forts, and fortifications, in supporting foreign Ministers, lighthouses, ships, buoys, and beacons, to facilitate and protect foreign commerce, which had drained our life's blood, and almost bankrupted the nation. Yes, sir, I say *armies* for the defence of *foreign* commerce. Was not the late war declared emphatically in defence of "free trade and sailors' rights?" And this would be the source of every war with which this country might hereafter be afflicted.

And what, sir, has been done for internal commerce, for the benefit of the interior, and of the West? They had contributed their full portion of the public revenue. Sir, said he, since the commencement of this Government, to this day, you have expended scarcely two millions of dollars, to facilitate internal trade, by internal improvements; and even this paltry sum the State of Ohio was bound to refund. But the West had not only contributed her share of the public revenue, but she nobly and gloriously shed the full portion of the blood spilt in the defence of "free trade and sailors' rights." She has done it cheerfully; and would do it again when occasion required it. But the people of the West did entertain a hope that their interests would not be wholly neglected; that some small portion of the national revenues would be devoted to the benefit of "internal commerce among the States," and not exclusively lavished upon objects connected with foreign commerce. This was, he said, a reasonable expectation, and he hoped it would be gratified in the accomplishment of the object of the amendment he had offered; however, if it was refused, there was one consolation still left: the time was not far distant, when the West would be able to command upon this floor that just attention to her interest, which might now be withheld. And, sir, when she comes here in her pride and in her power; when her weight will be felt, and her voice will be heard, in the decision of the gravest question which could be agitated in this country, he hoped that, while she forgot her enemies, she would not be unmindful of her friends. The West, he trusted, would always cheerfully acquiesce in the decisions of the constituted authorities of this nation. From that quarter, the sound of "rebellion," which had lately assailed our ears, would, he hoped, never come.

While we see other Governments, *monarchies*, so attentive to the interests of the people, affording every possible facility to internal trade and intercourse where the advantages and inducements are not half so great as they are here, for few countries possess such an extent of territory, such a variety of climate, and of soil, separated and intersected by such immense mountains, rivers, and lakes, all affording the greatest facilities and strongest inducements to internal improvements; while, said he, monarchs are thus employing the public purse for the people's benefit, shall we, the people's Representatives, lavish their money on objects of military grandeur, (for, said Mr. S., we have this day voted away near five millions of dollars in military appropriation bills,) neglecting their more immediate and important interests? Sir, if we are thus interrogated by the people, are we prepared to give them a satisfactory answer?

The money expended on armies is gone, and no more heard of it, while the benefits of that expended in canals would be enjoyed for centuries to come; and, as stock, would annually yield a revenue to the Government. Mr. S. said he was aware that Constitutional objections were fashionable on subjects of this sort. But, sir, said he, this amendment involves the exercise of no doubtful Constitutional power; it proposed the employment of topographical engineers on an object connected with military purposes; we were in the daily practice of providing for the surveys of coasts and harbors, and bays and rivers, for commercial purposes only, unconnected with military objects. Look, sir, said Mr. S., to the report of the expenditures of the last year, and you will find half a dozen items of this sort; surveying the Mississippi, clearing out the river Thames, surveying the coast of Carolina, &c. This proposition, therefore, avoided these knotty and difficult questions. But, sir, if it involved the exercise of our Constitutional powers on this subject, to their utmost extent, is not the question settled? Sir, it is. Gentlemen would recollect, he said, that at the last session, when a motion was made to strike out the enacting clause of the bill for the erection of gates on the Cumberland road, on the ground that we had no power to erect gates, and impose fines and penalties for their evasion, yet, sir, from the vote upon that question, it appears that but thirty-seven doubted the power of the Government even to go thus far, while seventy-six voted in its favor. And in the Senate, where were to be found some of the most profound, experienced, and enlightened Constitutional lawyers, in this, or in any other country, there were but seven votes against the passage of this bill, which exerted the Constitutional power of this Government over the subject of internal improvements to its utmost limit. If a vote of more than two to one in this House, and more than four to one in the Senate, did not settle the question, he was at a loss to know what would.

The Constitution, he said, expressly gave to Congress the power to "regulate commerce among the States," as well as "with foreign nations." In the exercise of this power, (for it could not be justified by any other,) we appropriate annually about $200,000 to erect and support lighthouses, buoys, beacons, &c., by which internal commerce was facilitated for hundreds of miles into the interior, up your bays and rivers, even to this city. And if you have the power to improve the navigation of bays and rivers, by erecting lights and piers, and removing obstructions to the navigation of vessels and crafts of forty to fifty tons, why not go further, and remove obstructions, and facilitate the navigation, by opening canals for boats carrying thirty or forty tons, a few hundred miles further into the interior? If you can improve the navigation of the Potomac and bay, from the Atlantic to this city, why not go on to the city of Pittsburg? Sir, said Mr. S., the power and the principle is the same. He defied the ingenuity of any gentleman to draw a distinction; even the gentleman from Virginia (Mr. SMYTH) himself could not show any Constitutional difference. The Constitution merely gave the power "to regulate commerce;" it did not prescribe the manner. This was left to Congress, who had expressly the power to pass all laws "necessary and proper to regulate commerce among the States." If they consider it "necessary and proper" to cut a canal for this purpose, they have expressly, by the Constitution, the power to do it. This was too clear to admit a doubt, it could not be obscured by all the political metaphysics that could be brought to bear upon it.

But the Constitution has also given to Congress the power to provide for the defence of the country; this no one denied: and he thought he had already clearly shown, that this measure was intimately connected with the defence of the Seat of the National Government, which, from the experience of the late war, it appeared, stood in need of defence. In this view of the subject, he said, he was supported by the Secretary of War himself, who had pointed out this object in his splendid report on "Military Roads and Canals," already referred to.

The construction of the Cumberland road had been justified a few days ago by a gentleman who denied the Constitutional power of Congress over the subject of internal improvements, on the ground that it enhanced the value of the public lands, with respect to which the Constitution gave Congress the power to make "all needful rules and regulations." Now, as the cost of intercourse upon the canal would be only one-twentieth part of the cost on the road, would not the canal, in the same proportion, enhance the price and facilitate the sale of the public lands? And but a small portion of these lands, he said, had yet been disposed of. The amount sold had brought about sixty millions of dollars; the amount yet to be disposed of would bring (if sold at the minimum price $1 25) more than $500,000,000. Then, sir, said Mr. S., whether this canal is regarded as "necessary and proper" for the regulation "of commerce among the States," or as "necessary and proper" for the defence of this City and the District, it is, in either case, equally in the power of Congress, by the express words of the Constitution, to make it.

But, sir, we are told this will be a violation of the rights of the States through which it may pass—it will trench upon their powers. Sir, the States concerned will thank Congress for thus violating their rights. It is a concurrent power which violates no right; a power which is only felt by the States in the benefits and blessings it confers. Sir, it is conferring power upon the States by the General Government; it is giving money (which is power) to the States, to be expended within their territories, and for their benefit, adding to their wealth, power, and resources, at the expense of the General Government. Yet we are told it is a violation of State rights. Sir, these gentlemen are not the friends, they are the enemies of State rights. While we are passing whole codes of penal laws, by virtue of the powers claimed as incidental to the fearful right of raising armies and navies, and imposing taxes and burdens upon the people, (here the States might startle, and statesmen might stop and pause in their career;) but not a word is heard from those champions of State rights. You may pass laws taking away the life, liberty, and property, of the citizen, as incidental to the express right to "lay taxes," without exciting any uneasiness or alarm. But, when you attempt to give up a part of the money of the General Government for the use of the States and the people; when you propose thus to confer benefits and blessings upon them, you are met at once by this fearful alarm about "swallowing up the States," violating their rights, &c. Mr. S. said he could assure gentlemen that the States concerned did not thank them for their friendly interference in opposing these measures.

From the report referred to, Mr. S. said, it appeared that a meeting of twelve commissioners, appointed on the subject of the improvement of the navigation of the Potomac, by Virginia and Maryland, was held at Annapolis on the 22d of December, 1784, consisting of General Gates, Judge Chase, and others of the most distinguished patriots of that day. At this meeting General WASHINGTON presided; and, after consultation, it was resolved, "That it is the opinion of this con-'ference that the removing the obstructions in the 'river Potomac, and making the same navigable 'from tide-water as far up the North Branch as 'may be convenient and practicable, will increase 'the commerce of Virginia and Maryland, and 'greatly promote the interests of the United States, 'by forming free and easy communication and 'connexion with the people settled on the West-'ern waters, already very considerable in their 'numbers, and rapidly increasing, from the mild-'ness of the climate, and the fertility of the soil."

In speaking of the advantages of this work, they go on to say, that it would afford "substantial 'proof to our brethren of the Western territory of 'our disposition to connect ourselves with them by 'the strongest bonds of friendship and mutual in-'terest." It would, they say in another part of their report, "contribute much to their conveni-'ence and accommodation; and the benefits re-'sulting therefrom to these States would compen-'sate the expense of a road" from Cumberland to the Monongahela river, which they also proposed to have opened. These were the views of the patriots of the Revolution, of the sages of '76, near forty years ago, on this subject. They were the views of WASHINGTON, who fixed the seat of Government with a view to this very object. He clearly foresaw its advantages, and, had he lived, we should have long since enjoyed their glorious consummation. WASHINGTON afterwards, in a letter dated the 31st of October, 1788, expressed himself on the subject as follows:

"The extensive inland navigations with which this country abounds, and the easy communication which many of them afford, with the amazing territory to the westward of us, will certainly be productive of infinite advantages to the Atlantic States, if the Legislatures of those through which they pass have liberality and public spirit enough to improve them. For my own part, I wish sincerely that every door to that country may be set wide open, that the commercial intercourse with it may be rendered as free and easy as possible. This, in my judgment, is the best, if not the only cement that can bind those people to us for any length of time—and we shall, I think, be deficient in foresight and wisdom, if we neglect the means of effecting it. Our interest is so much in unison with the policy of this measure, that nothing short of that ill-timed and misapplied parsimony and contracted ways of thinking, which intermingles so much in all our public councils, can counteract it."

If, sir, it was properly called "ill-timed parsimony, and contracted policy," thirty-five years ago, even before the establishment of the present Constitution, what would be said of it now? At that time there were but few settlers in the West; they had few wants, and they were easily supplied, where we find now some of the most powerful and populous States, enjoying all the refinements, and indulging in all the luxuries of the most polished society. Where there were Indian huts, you now find splendid cities. The country then inhabited by savages and beasts of prey, is now covered with towns and villages, and cultivated fields. If this measure was necessary, then how much more imperiously is it demanded now!

Mr. S. said he would not trespass longer on the time of the House. He felt much indebted for their indulgent attention, and he would conclude with expressing the hope that this measure would not be rejected, especially when gentlemen took into view the immense advantages to be derived from it in a political point of view, by uniting the East and the West, equal, already, to two great empires—its advantages to internal commerce, opening an inland navigation from the Seat of Government to the city of New Orleans—its advantages to the agricultural and manufacturing industry of the interior, now laboring under insurmountable difficulties. He begged gentlemen to consider its advantages to this city, in which all had an interest, as the Seat of the National Government—its growth, its prosperity, its defence, were important, and would be promoted. It would enhance the value of the public lands and the public lots. It would make the Seat of Government follow the march of power to the

West. It would place it in the vicinity of the first markets in the world. And to accomplish all these, and many other equally important objects connected with this subject, it was proposed, not that the Government should give a gratuity to the States concerned, but that it should subscribe a sum, as stock, corresponding with the interest we had in the accomplishment of the object in view, and from which we will hereafter derive our full share of the profits, in common with the States and individuals concerned. We thus avoid all Constitutional difficulties, and they were, certainly, the only objections that could be urged against this measure—a measure due to the city—due to the interior—it was due to the West—to ourselves, and to the nation, and, therefore, he hoped, nay, he felt certain, of its final adoption.

When Mr. S. had concluded—

Mr. WRIGHT spoke against the appropriation, on general Constitutional ground.

Mr. STEWART, at the instance of Mr. MERCER, withdrew his amendment, that the bill might not be embarrassed by its introduction.

The Committee rose, and reported the bill as amended; and, before coming to any determination on the amendment made to the bill, the House adjourned, to meet again at 6 o'clock.

Evening Session.

The House met pursuant to adjournment.

A message from the Senate informed the House that they have passed the bill, entitled "An act to extend the jurisdiction of justices of the peace, in the recovery of debts, in the county of Washington, in the District of Columbia," with amendments. And they have passed a bill, entitled "An act for the relief of James Morrison;" in which bill and amendments they ask the concurrence of this House.

FORTIFICATIONS, &c.

The House took up the bill making appropriations for fortifications, with the amendments made to it in Committee, and agreed to all the amendments, except the item of twenty thousand dollars in addition to the annual appropriation of two hundred thousand dollars for arming the militia of the United States, and another of forty-six thousand dollars for Fort Washington.

On the question to concur with the Committee in the amendment appropriating forty-six thousand dollars for Fort Washington, on the Maryland bank of the Potomac river, Mr. TRACY, (who made the exception,) and Mr. WILLIAMS, of North Carolina, spoke against the appropriation, and Mr. MCLANE and Mr. LITTLE supported it.

Mr. COCKE, wishing to record his vote upon this subject, called for the yeas and nays, in which call he was not sustained by a sufficient number of members.

The debate was renewed. Mr. FLOYD addressed the Chair against the appropriation, and Mr. WHIPPLE stated the reasons which would induce him to vote for it.

The question on concurring with the Committee on this excepted amendment was taken, and agreed to—ayes 74, noes 32.

On the question to concur in the second excepted item, Mr. RHEA, who made this exception, gave the reasons why he did so.

[The object of this appropriation is to enable the Government to contract with Messrs. North and Starr, two manufacturers of arms in the State of Connecticut, for the supply of a certain quantity of arms, to enable them to make which, they have, under inducements, held out by the Government, gone to considerable expense in enlarging their establishment, &c.]

Mr. COCKE called for the yeas and nays on this subject.

In this call Mr. C. was sustained.

The discussion was revived by Mr. FLOYD, Mr. CANNON, and Mr. WALWORTH, in favor of the appropriation, and Mr. WOOD, Mr. BRECKENRIDGE, Mr. ROSS, and Mr. RHEA, against it.

Mr. RHEA then moved to strike out *twenty* and insert *one hundred*, so as to make the amendment read *one hundred thousand dollars*, in addition to the annual appropriation for arming the militia, &c. This motion was negatived.

The debate was renewed—Mr. WOODCOCK against the appropriation, and Mr. TOMLINSON in aid of it.

The question on concurring in the amendment was then taken by ayes and noes and determined in the affirmative—ayes 76, noes 55.

The bill, as amended, was ordered to be engrossed for a third reading.

The SPEAKER communicated a letter from the President of the United States, transmitting the annual returns of the militia of the United States; which was read, and ordered to lie on the table.

The bill to extend the jurisdiction of the justices of the peace in the District of Columbia, returned from the Senate, with sundry amendments, being next before the House—

Mr. NEALE moved that the House do disagree to the amendment of the Senate to this bill, which exempts from imprisonment, under any process, the persons of all females, whatsoever, and all males over seventy years of age; and that the House do agree to all the other amendments.

Mr. HARDIN, wishing to modify the amendment of the Senate, the principle of which he liked, and the hour being now too late for him to enter into a discussion of its merits, and offer the amendments he wished, moved that the House adjourn; which motion was negatived.

Mr. H. then moved to lay the bill on the table; which motion was agreed to.

The House, on motion of Mr. MCLANE, then resolved itself into a Committee of the Whole on the state of the Union, Mr. WALWORTH in the chair.

The Committee, on motion of Mr. MCLANE, proceeded to the consideration of the bill to provide for carrying into effect the Convention of Navigation and Commerce, between the United States and France, concluded at Washington, June 24, 1822; and the bill was read through by sections, without objection or amendment.

The Committee then took up the bill to amend the ordinance and act of Congress for the govern-

ment of the Territory of Michigan; and went through that bill.

A bill from the Senate for the relief of James Morrison, was read twice, and committed to the Committee on Military Affairs.

The Committee next, on motion of Mr. PLUMER, of New Hampshire, took up the bill to amend the act for organizing the government of the Territory of Florida; to which several amendments were made, on motion of Mr. HERNANDEZ and others.

These bills were then reported to the House, and the two first of them were ordered to be engrossed, and read a third time to-morrow.

Before the Florida bill was acted upon, the House adjourned.

WEDNESDAY, February 26.

The House proceeded to consider the bill of the last session, supplementary to an act for the better organization of the courts of the United States within the State of New York. Whereupon, the bill was recommitted to the Committee on the Judiciary.

The House proceeded to consider the report of the Committee on Indian Affairs, made on the 21st instant; and the resolution therein recommended to the adoption of the House being read, was amended to read as follows:

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be authorized and requested to commence a system of operations for the gradual and ultimate effectuation of the objects contemplated in the report of the Committee of Indian Affairs of the House of Representatives, made on the 21st of February, 1823, allowing him to exercise and pursue his own judgment as to the manner or mode of doing it, and to communicate to this House, as soon as may be, after the commencement of the next session, the progress and result of his proceedings therein.

The said resolution was ordered to be engrossed and read a third time to-day.

The House proceeded to consider the bill providing for the examination of titles to land in that part of the State of Louisiana situated between the Rio Hondo and the Sabine river; and the bill being amended, was ordered to be engrossed and read a third time to-day.

Engrossed bills of the following titles, viz: "An act to amend the ordinance and acts of Congress for the government of the Territory of Michigan, and for other purposes;" "An act further to extend the provisions of the act, entitled 'An act supplementary to an act, entitled 'An act for the relief of the purchasers of the public lands prior to the 1st of July, 1820;" "An act for carrying into effect the convention of navigation and commerce between the United States and France, concluded at Washington on the 24th day of June, 1822;" "An act making the gold coins of Great Britain, France, Portugal, and Spain, receivable in payments on account of public lands;" "An act to continue in force an act, entitled 'An act regulating the currency, within the United States, of the gold coins of Great Britain, France, Portugal, and Spain, and the crowns of France and five franc pieces,' passed on the 29th of April, 1816, so far as the same relates to the crowns of France and five franc pieces;" "An act further to prolong the continuance of the Mint at Philadelphia;" and "An act respecting the punishment of piracy;" were severally read the third time, and passed.

The bill from the Senate, entitled "An act to repeal so much of an act, passed the 18th of April, 1806, as limits the price of certain lands in the State of Tennessee," was read the third time, and passed.

An engrossed resolution concerning the Indians in the Territory of Florida, was read the third time, and passed.

The joint resolution from the Senate directing the printing of the Journal of Congress, from the 5th of September, 1774, to the 3d of November, 1786, was read the third time; and, being on its passage, it was, on motion of Mr. COCKE, ordered to lie on the table.

An engrossed bill, making further appropriations for the military service of the United States, for the year 1823, [fortifications] was read the third time, and passed.

The House resumed the consideration of the bill to amend "An act for the establishment of a Territorial Government in Florida; and the question recurred on the following amendment, proposed by Mr. JOHNSTON, of Louisiana, and depending yesterday, viz:

"SEC. — *And be it further enacted,* That the Governor of the Territory of Florida cause to be delivered to the Governor of the State of Louisiana, all original titles to land lying in said State, and belonging to citizens thereof."

And on the question to agree to the said amendment, it was determined in the negative, and the bill was ordered to be engrossed, and read a third time to-day.

The House resolved itself into a Committee of the whole House on the state of the Union; and after some time spent therein, the Committee rose and reported the bill from the Senate, entitled "An act to regulate the commercial intercourse between the United States and certain British colonial ports," without amendment; also, the bill of this House making appropriations for the Public Buildings, with amendments.

The first named bill was ordered to a third reading to-day.

The amendments reported from the Committee of the Whole on the state of the Union to the bill making appropriations for the Public Buildings were read and concurred in by the House, except that part which proposes to fill the blank in the item, "for finishing the south portico to the President's House," with the sum of nineteen thousand dollars, and, on the question to agree to this amendment, it passed in the affirmative—yeas 81, nays 57.

The said bill was then ordered to be engrossed and read a third time to-morrow.

SUPPRESSION OF DOCUMENTS.

Mr. CAMPBELL laid before the House a letter from the Secretary of the Treasury to the committee appointed to make further inquiries respecting the suppression of a certain paragraph contained in a letter communicated to this House at the last session; and the said letter from the Secretary of the Treasury was ordered to be printed.

The letter is as follows:

TREASURY DEPARTMENT, *Feb.* 24, 1823.

SIR: In reply to your letter of the 10th instant, enclosing a resolution of the House of Representatives, of the sixth of the same month, and requesting the communication of any information, not already communicated, as may be in possession of the Department, I have the honor to observe, that when the Bank of the United States went into operation, an effort was made to simplify the operations of the Treasury, through the instrumentality of that institution. To give to this effort the greatest efficiency, it was agreed that the bank should have the selection, not only of the State banks in which the public money should be deposited, in places where it had established no office, but of those whose notes should be received on account of the revenue; and that all money so deposited, should be entered to the credit of the Bank of the United States, in trust for the Treasurer of the United States. It was further agreed that the Treasurer might draw upon the bank, at any place where the public money was deposited, whether there were any public money at such place or not; with the understanding, however, that reasonable notice should be given to the bank, when it was intended to draw for any considerable amount beyond the sum on deposite at such place.

This project was generally carried into effect, in the course of 1817, after the State banks had resumed specie payments. The notes of all such banks, in the Western States, were received by the land officers, and deposited, as specie, in the offices of the Bank of the United States, and in the State banks, employed as offices of deposite.

This plan of simplifying the operations of the Treasury, was, in the course of 1818, interrupted, on the one hand, by the complaints of the State banks, employed as offices of deposite, that the Bank of the United States acted oppressively and capriciously towards them, by subjecting them to all the inconveniences incident to the relation they held, and depriving them of most of the advantages which they had a right to expect from that relation; and, on the other, by those of the Bank of the United States, alleging that the State banks were desirous of appropriating to themselves all the advantages of their situation, without bearing any part of the burdens imposed upon it by its charter, or by the arrangement made with the Treasury, one of the most onerous of which was the implied obligation it had incurred of guarantying not only the solvency of those banks, whilst they were employed as offices, but also of the other State banks, whose notes were received on account of the revenue. This state of collision and irritation continued increasing until the autumn of 1818, when the bank notified the Department that it could no longer execute its arrangement, without sacrificing the essential interest of the institution. At the same time, it declared its determination to receive from the land officers nothing but its own notes, and the current coin of the Union, except as special deposite. Shortly after this determination, many of the Western banks stopped payment.

The experience of the bank had, about this period, led to the conviction, that it was impracticable to keep its notes in circulation in the Western States, and orders were, consequently, issued in the course of the autumn, or in the early part of 1819, forbidding its Western offices to issue their notes, even on a deposite of specie. The determination which it had formed in relation to payments on account of the public lands, was, therefore, practically a determination to receive nothing but current gold and silver coin, which was nearly as difficult to be obtained, in the Western States, as the notes of the Bank of the United States. At this time there was due the United States nearly twenty millions of dollars, by the purchasers of the public lands, a great part of which debt had been contracted during the suspension of specie payments, and in the years 1817 and 1818, when the notes of nearly all the Western banks were receivable in payment. It was manifest, upon the slightest reflection, that this determination of the bank would greatly reduce the receipts into the Treasury from that important branch of the public revenue, but that consideration would not, alone, have been sufficient to have induced the Executive department to have assumed the responsibility of the measure, which was, with great deliberation, adopted upon the occasion.

To have permitted the distress and ruin in which the purchasers of the public lands would have been involved, by the refusal to receive from them any thing in payment but the current coin of the Union, and the notes of the Bank of the United States, under such circumstances, without an effort by the Executive department to avert them, would have excited feelings in a large and meritorious body of citizens, which no prudent Government, even if despotic, could have seen with indifference. It is confidently believed, that, if no such effort had been made, the Executive department of the Government would have been charged with the most shameful imbecility, and that the Treasury Department would have been loaded with the public execration. If an effort was to be made to afford relief, the alternative presented was to continue to receive the notes of the few banks in the West, which still continued to pay specie, and enter them to the credit of the Treasurer, in the offices of the bank, as special deposite; or to deposite them in State banks, upon conditions which would make it their interest to return them into circulation as soon as practicable, on account of the Government. In the first case, they would have accumulated in those offices, without the possibility of being put again into circulation on account of the Government, as those offices would have had no inducement to make exertions to convert them into specie, or transfer the amount, by the purchase of bills of exchange upon New Orleans, or upon the Atlantic cities. To effect either of these operations, it was manifest that the employment of the State banks was indispensable. The arrangements proposed, were maturely considered and adopted, with the approbation of the President, who was fully sensible of the importance of the crisis which had arrived.

The inducements which were offered to those banks, to resume and continue specie payments, and to transfer the excess of the public revenue collected in the Western States, beyond the expenditure, to places

where it could be expended, were believed to be both justifiable and sufficient to insure success, and the result has proven that nothing was necessary to the most complete success, but the want of integrity in those who had the direction of some of those institutions.* Against this contingency, the department availed itself of all the means within its reach, and confided in the representations of gentlemen who occupied high and responsible stations in the public councils, whose judgment and integrity were considered unquestionable, and whose means of information excluded almost the possibility of mistake. Notwithstanding the want of integrity which has been manifested by the directors of several of those banks which have failed, it is still confidently believed, that, after making a liberal allowance for any loss which possibly may occur, by the Farmers and Mechanics' Bank of Cincinnati, the Banks of Vincennes, Edwardsville, and Missouri, the benefits which have resulted from those arrangements will greatly preponderate over such loss.

It is impossible to state whether any loss will eventually be sustained by the Government from either of those banks. No apprehension is entertained of loss from any other. The Farmers and Mechanics' Bank of Cincinnati is, therefore, the only one in which public money has been deposited, where the Bank of the United States had established an office, from which there is any danger of loss.

That bank, in a very short time after it resumed specie payments, in conformity with its agreement with the Treasury Department, stopped payment, and has never made any return, or answered any of the demands which have been made upon it for information. The impression, in relation to it, has, therefore, been very unfavorable. A suit has been brought against it, in the Federal court, for the amount of public money in its possession, which has not yet been decided.

The arrangements made with the Farmers and Mechanics' Bank of Cincinnati, the Bank of Chillicothe, and the branch of the Bank of Kentucky, at Louisville, where offices of the Bank of the United States had been established, by which the public money collected at the land offices, in the vicinity of those banks, were deposited in them, were not communicated to Congress at the next session after their date, from mere inadvertence to the provision of the charter to which the resolution refers. They were, however, matters of general notoriety, not only in the Western States, but in the other parts of the Union. Omissions of this nature have frequently occurred in the departments, and, it is presumed, will occur hereafter, with officers the most attentive. The notoriety, however, which attended these arrangements with the banks, it is presumed, will satisfy the Committee, that there was neither a wish or intention to withhold from Congress the fact of such deposites, and the reason upon which the measure was founded.

The papers which are herewith transmitted support the views presented in this letter. I remain, &c.

WM. H. CRAWFORD.

The Hon. JOHN W. CAMPBELL,

*This is proven by the fact that the banks of Illinois, of Madison, and of Columbus, have fulfilled their engagements with fidelity, and still continue to fulfil them; and that the Bank of Chillicothe faithfully fulfilled its engagements, as long as they existed.

Extract of a letter of September 14, 1819, to Langdon Cheves, Esq., President of the United States Bank.

It has been my constant endeavor, for more than twelve months past, to prevent, as far as practicable, all collision between the Bank of the United States and the State Banks, as far at least as that collision might be connected with the transactions of this Department. It is not my intention, therefore, to give drafts upon the State banks for public money without previously arranging with them the mode of payment.

Acting upon the same principle, I have endeavored in the course of the present year, to make arrangements with State banks in the Western States, by which they should become the depositories of the public money collected in that section of the Union. I considered the deposites there, positively injurious to the banks, for the following reasons, viz:

1. That the offices had already extended their discounts in Ohio and Kentucky, further than was consistent with the interests of the bank.

2. That every dollar deposited in them on the Government's account that could not be disbursed there, would have to be employed in discounts, or transferred to the Bank in Philadelphia, or its Eastern offices.

3. That, owing to the state of exchange, transfers could only be made by the transportation of specie across the mountains.

4. That owing to the geographical position of Kentucky and Ohio, the public expenditure would be extremely limited.

5. That the transportation of specie from the Western to the Eastern States by the bank, invariably had produced, and would continue to produce irritation in the public mind.

An additional reason for endeavoring to make the State banks in that section of the Union the depositories of public money, was to increase the receipts, by enabling the public debtors to pay in the notes of specie paying banks, which would not be received by the offices of the banks, and which could not be received by them without increasing that collision which it was my desire to diminish.

The foregoing reasons, which appeared to me so obvious as to need no elucidation, have, however, escaped the observation of one of the directors of the office at Louisville, who has remonstrated against the transfer of the deposites to the branch bank of the State of Kentucky. I have the honor to send you enclosed his letter. If the views presented in them correspond with those entertained by the Board of Directors, it will afford me great pleasure to restore the deposites, not only there, but at Chillicothe.

The arrangement which was attempted at Cincinnati, has entirely failed. At the time the arrangement was made with the Bank of Chillicothe, I was not aware that any thing was due from it to the United States Bank, and of course made no stipulation in relation to it. The failure of the Farmers and Mechanics' Bank of Cincinnati to comply with its undertaking, has terminated all connexion with it: the condition which was imposed upon it, in favor of the United States Bank, as well as those in favor of the Treasury, have heretofore produced no effect.

I shall at all times be obliged to you for the communication of your ideas upon every subject connected with the operations of the bank and of its currency. It is, I think, sufficiently manifest that the office

west of the mountains, can never have any local circulation there, as long as their notes are received by the Governmnt in discharge of duty bonds at Philadelphia and other commercial cities.

The refusal of the bank to receive the notes of its offices on deposite, has not in any considerable degree relieved it from the burden of exchange, between the different sections of the Union. When it is considered that the whole circulation of the bank is now less than four millions of dollars, it is probable that those who have remittances to make, cannot at all times obtain the sums necessary, but generally, exchange will be effected by them, as long as their currency is rendered universal through the Union, by the receipt of them on account of the Government in the principal commercial cities. If they should be made receivable only in the States where they are issued, and in States and Territories where offices have not been established, each office would have to be conducted upon commercial principles, and, of course, the expense of it be borne by the commercial class. This, however, is no evil to that class as a body of men, as the expense of exchange would be paid and received by them. To travellers, however, the locality of the currency of the notes of the bank would be a serious evil, unless measures should be adopted by the bank, through its offices, to receive them from the hands of the brokers. This being done, the objections to the change of the charter under consideration, would be substantially removed. I remain, &c.

Extract of a letter from the President of the United States Bank, to the Secretary of the Treasury, dated October 5, 1819.

"The Board entirely concurs with you in the views you take as to the Government collections and deposites in the Western States, which they believe to be calculated to ease the moneyed pressure on that portion of the country, as well as to meet the interests of Government, and relieve the bank from embarrassing collisions with local banking institutions."

TREASURY DEPARTMENT, *Aug.* 1, 1820.

To the Receivers of Public Moneys.

SIR: With a view to increase and equalize the facilities of making payment for public lands in the several land districts of the United States, I have determined to authorize the Receivers of Public Moneys to take, in addition to specie and the bills of the United States Bank and its branches, the notes of the following incorporated banks, viz: those in the cities of Boston, New York, Philadelphia, Baltimore, and the Merchants' and Franklin Banks of Alexandria, and those specie-paying banks in the State in which the land office is situated.

This instruction supersedes those that have heretofore been given on the subject, except in so far as they prohibit the receipt of any paper of any bank which does not discharge its notes in specie on demand; and that prohibition must, in every case, be rigidly adhered to.

In order to facilitate the collection of the notes of the banks in your State, which may be received by you, you will, on making a deposite, give notice to each of those banks of the amount of its notes contained in such deposite; and if you shall be informed by the cashier of the bank in which you make your deposites, that the notes of any bank in your State, which may have been deposited by you, have not been paid on demand, you will dissontinue to receive the notes of such bank. It may be proper for you to take the first occasion to intimate, in respectful terms, to each of those banks, the consequence that will result from a want of punctuality in paying its notes on presentation.

For the information of the purchasers of public land, you will publish, in one of the newspapers of your district, a list of the kinds of money receivable at your office; and you will give notice, in like manner, of any change which may occasionally take place.

I remain, with respect, your most obedient servant.

WM. H. CRAWFORD.

SUNDRY BILLS, &c.

Mr. PLUMER, of New Hampshire, from the Judiciary Committee, reported a bill respecting piracy.

[The object of this bill is to extend to the district courts of the United States, where there are no circuit courts, the jurisdiction and authority as is given to the circuit courts under the act of Congress, passed in the year 1820.]

The bill was twice read, and ordered to be engrossed and read a third time this day.

Mr. WILLIAMS, of North Carolina, from the Committee of Claims, made a report, accompanied by a bill for the relief of Brintnell Robbins; which was read twice, and committed.

Mr. FULLER, from the Naval Committee, reported a bill for the relief of Benjamin King; which was read twice, and was on its passage to a third reading, when a conversation on the merits of the petitioner to relief took place, in which Mr. COCKE and Mr. BUCHANAN opposed the bill, and Mr. LITTLE, Mr. WRIGHT, and Mr. FULLER, supported it. [The principle of this bill is to remit the interest on a sum of money held by Mr. King, and claimed by him for compensation for time during which, after the destruction of the navy yard at Washington, the salary he enjoyed in that yard was withheld from him, for the principal and interest of which judgment has been rendered against him.] After an earnest debate of half an hour, Mr. CAMPBELL, of Ohio, with an avowed intention to put the bill to sleep, moved to lay the bill on the table; which motion was decided in the affirmative.

Mr. WHIPPLE, from the Committee on the Library, to whom was referred the resolution for reprinting the Journals of the Old Congress, reported it with an amendment, requiring the same to be done "by contract." The amendment was agreed to, and, thus amended, the resolution was ordered to be read a third time to-day.

On motion of Mr. ALLEN, of Massachusetts, it was

Resolved, That the Clerk of this House be directed to prepare and lay before the House, at the commencement of the next session, a digested index of all the information other than that of a private nature, which has been communicated to the House, by the President of the United States, the respective heads of Departments, and the Postmaster General, since the commencement of the Fifteenth Congress; arranging the same under distinct heads, designated by the name of the office or department from which it originated, and referring to the number of the volume and page of the printed documents.

In support of this motion, Mr. A. made some observations, showing the thing proposed to be a measure almost indispensable to the due discharge of the duties of the members of the House.

Mr. COCKE moved to print a very voluminous document received at this session, giving a minute detail of every thing connected with the arms and ordnance of the United States. This information he considered of great importance, and wished it to be printed, so as to be laid before Congress at the next session.

Mr. MATTOCKS and Mr. STERLING, of New York, opposed the printing. The former gentleman stated the printing of the document would cost five thousand dollars; and Mr. STERLING contended that the information contained in it was not important.

Mr. COCKE and Mr. WALWORTH replied to both the gentlemen, maintaining that the information was of great importance to the nation, and useless in its present shape; and Mr. C. said he should consider five thousand dollars, thus laid out, much more usefully expended than on any object for which money had been expended during this session, and much more useful than so much expended on the fortifications, which gentlemen seemed to think of so great importance.

The motion of Mr. COCKE was negatived.

Mr. METCALFE made a successful motion to take up a report in the case of certain Florida Indians.

The report being before the House, and the question being to concur in the resolution appended to the report—

Mr. METCALFE moved to amend the resolution, so as to make it a joint resolution. This motion was agreed to, and the resolution, as amended, was read a first and second time, and ordered to be engrossed for a third reading to-morrow, substantially in the following words:

Resolved, &c., That the President of the United States be authorized and requested to commence a system of operations for the gradual and ultimate amelioration of the condition of the Indians in Florida, allowing him to exercise and pursue his own judgment as to the manner or mode of doing it, and communicate to this House, as soon as may be, after the commencement of the next session, the progress and result of his proceedings therein.

PUBLIC BUILDINGS.

Mr. CUSHMAN, from the Committee on Public Buildings, made the following report:

The Committee on Public Buildings, to whom was referred the resolution instructing them to inquire into the expediency of fixing, by law, the compensation of the architect, the master carver, the master of the stone work, and of the clerk and manager of the public buildings in the City of Washington, have had the same under consideration, and respectfully submit the following report:

That it appears, from the documents inspected, the architect of the Capitol accepted the trust, with the understanding that he was to receive for his services a compensation of $2,500 annually, and that the stipulation, though it may want some of the formalities, has nevertheless been pronounced valid in law, by the highest law officer under the Government.

It appears, also, in reasoning, and in fact, impolitic and unwise to deny to any class of public servants, in any vocation, adequate compensations for able and faithful services; nor can it be considered but an hardship, bordering on injustice, and not to be countenanced, to take from those artificers, whose skill and industry have been long, assiduously, and beneficially employed for the public, and whose ingenuity and labors are unremittingly required, any part of the pay or wages which, heretofore, they have been accustomed to receive.

It further appears, that, from the commencement of the public buildings in the City of Washington, the Commissioner of these buildings is the officer who has the power of appointing, under the President of the United States, such artists and superintendents as the work may require, and of agreeing with them for such compensation as their talents and services entitle them to receive.

The committee are of opinion that no injury or inconvenience has resulted, or is likely to result, from the practice, and therefore respectfully offer the following resolution: That they be discharged from the further consideration of the subject.

The report not being approved by Mr. COCKE, he moved to lay it on the table, that time might be given to obtain a copy of the opinion of the Attorney General.

JURISDICTION OF JUSTICES, D. C.

The House then resumed the consideration of the amendments of the Senate to the bill for extending the jurisdiction of justices of the peace in the District of Columbia.

The first amendment was that which is included in the following words:

Provided, also, That, in no case arising under this act, whether before a justice of the peace or upon an appeal, shall any person be arrested upon mesne process, or upon execution against the body after judgment, where the amount does not exceed the sum of twenty dollars, exclusive of costs: *And provided, further*, That no female, in any case whatever, and no male above the age of seventy years, shall be liable to be arrested or imprisoned for any debt authorized to be sued for and recovered by this act.

Mr. NEALE was of opinion that the principle of this amendment was of too much importance to be properly discussed at this late hour of the session, and therefore thought it better to disagree to it.

Mr. J. T. JOHNSON, of Kentucky, moved to amend this amendment, by adding thereto the following, which he presumed would make the amendment more acceptable to the House:

And provided, further, That, in all cases arising under this act, whether before a justice of the peace or upon appeal, where the amount in controversy does not exceed the sum of twenty dollars, exclusive of costs, the defendant shall be cited to appear and answer the complaint of the plaintiff by summons; and upon failure to appear after being twice summoned, a trial shall be had, as in other cases.

This amendment, as well as the original, were opposed by Messrs. MALLARY and TAYLOR, fear

ing they would defeat the bill, by introducing into it a new principle, and were supported with zeal by Mr JOHNSON.

The amendment of Mr. JOHNSON, as well as the amendment of the Senate, were negatived by large majorities; and the other amendments made in the Senate were agreed to.

Adjourned until six o'clock P. M.

Evening Session.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the House of Representatives:

In compliance with a resolution of the House of Representatives, of the 24th of January, requesting the President to communicate to the House the number of persons, and the amount due from each, whose compensation has been withheld or suspended, in pursuance of the law prohibiting payments to persons in arrears to the United States; whether the amount withheld has been applied in all cases to the extinguishment of their debts to the Government; whether the said laws have been enforced in all cases against securities who are liable for the payment of any arrears due; whether any disbursing officer, within the knowledge of the President, has given conclusive evidence of his insolvency, and if so, whether he is still retained in the service of the United States; I transmit to the House a report from the Secretary of the Treasury, with the documents mentioned therein.

The report has been confined to the operations of the law. Respecting the circumstances of individuals, in their transactions without the sphere of their public duties, I have no means of information, other than those which are common to all.

JAMES MONROE.

WASHINGTON, *February* 28, 1823.

The Message was laid on the table.

Engrossed bills, of the following titles, to wit: An act making appropriations for the public buildings; An act providing for the examination of the titles to land in that part of the State of Louisiana situate between the Rio Hondo and the Sabine river; were severally read the third time, and passed.

A bill from the Senate, entitled "An act to regulate the commercial intercourse between the United States and certain British colonial ports," was read the third time, and passed.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act to establish a national armory on the Western waters;" also, "An act to enable the holders of French, British, and Spanish titles to lands within the State of Louisiana, which have not been recognised as valid by the Government of the United States, to institute proceedings to try the validity thereof, and for other purposes;" in which said bills they ask the concurrence of this House.

The House resolved itself into a Committee of the Whole on the bill to regulate the Post Office Department; and, after some time spent therein, the Committee rose, and reported progress, and the bill was then laid on the table.

The House resolved itself into a Committee of the Whole on the bill to discontinue certain post roads, and to establish others. The bill was reported with sundry amendments; and then the House adjourned.

THURSDAY, February 27.

The bill from the Senate, entitled "An act to enable the holders of French, British, and Spanish titles to lands within the States of Louisiana, which have not been recognised as valid by the Government of the United States, to institute proceedings to try the validity thereof, and for other purposes;" was read twice, and referred to the Committee on the Public Lands.

Mr. COCKE submitted a joint resolution to direct the withholding of the compensation of certain prize agents; which was read twice, and ordered to be engrossed, and read a third time this day.

On motion of Mr. LITTLE, it was resolved that there be allowed and paid, by the Clerk, to Alfred Cooper, for his services in the House and in the folding-room, and for waiting and attendance on the members, during the present session, the sum of fifty dollars.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act to authorize the recorder of land titles in the State of Missouri to examine into the number and state of the unconfirmed French and Spanish land claims, in the State of Missouri, and to report the same to the Congress at their next session;" also, a bill, entitled "An act to authorize the building of lighthouses, light-vessels, and beacons, therein mentioned, and for other purposes;" in which they ask the concurrence of this House. The bills were severally read twice, and referred, the former to the Committee on the Public Lands, the latter to the Committee on Commerce.

Mr. PLUMER, from the Committee on the Judiciary, to which was recommitted the bill supplementary to an act for the better organization of the courts of the United States within the State of New York, reported the same with an amendment, and the amendment was concurred in and the bill was ordered to lie on the table.

Mr. WALWORTH, from the Committee on Military Affairs, to which was referred the bill from the Senate, entitled "An act for the relief of James Morrison," reported the same with an amendment; and the bill and amendment were recommitted.

On motion of Mr. FLOYD, the Committee of the whole House was discharged from the further consideration of the bill to place in the hands of the Secretary of the Treasury the disposal of the public lots, &c., in the city of Washington; and the bill was taken up in the House.

After some remarks from Mr. FLOYD to show the abstract expediency of the change proposed by the bill, without reference to persons, it was ordered to be engrossed for a third reading.

Mr. JOHN SPEED SMITH made an unsuccessful attempt to procure the consideration of the bill for the relief of Samuel Hodgdon.

Mr. WRIGHT, after some remarks, made a sim-

ilar motion to discharge the Committee of the Whole from the bill for the relief of W. N. Earle, with the view of getting it up in the House.

Mr. Cocke opposed the motion on principle, deeming the practice loose and improper of taking the consideration of subjects from Committees of the Whole, considering them out of their turn, and hurrying them through, without the usual examination.

Mr. Wright replied very earnestly to show the hardship of the case of Mr. Earle; the necessity of acting on it, &c., and cited the case just moved by Mr. Floyd, and favorably received, to prove that the practice was common, and that there ought to be no unjust exceptions, &c.

Mr. Taylor called for the question of consideration of the motion, (on which there can be no debate,) and the House refused to consider the motion of Mr. Wright.

The bill from the Senate, entitled "An act to establish a national armory on the Western waters," was read twice, and committed to a Committee of the whole House upon the state of the Union.

The bill from the Senate, entitled "An act to enable the holders of French, British, and Spanish titles to lands within the State of Louisiana, which have not been recognised as valid by the Government of the United States, to institute proceedings to try the validity thereof, and for other purposes," was read twice, and referred to the Committee on the Public Lands.

An engrossed bill, entitled "An act to amend an act for the establishment of a Territorial government in Florida," was read the third time and passed, and the title was amended by adding thereto, *and for other purposes.*

A message from the Senate, informed the House that the Senate recede from the first part of their first amendment to the bill, entitled "An act to extend the jurisdiction of justices of the peace, in the recovery of debts, in the District of Columbia, and insist on the latter part of said amendment; and they have passed the act, entitled "An act supplementary to the acts to provide for certain persons engaged in the land and naval service of the United States in the Revolutionary war," with amendments, in which they ask the concurrence of this House.

The Speaker laid before the House a letter from the Secretary of the Treasury, transmitting statements from the Commissioner of the General Land Office, in relation to the operations of the several land offices, under the provisions of the act of the 2d March, 1821, for the relief of purchasers of the public lands prior to the 1st July, 1820; rendered in obedience to a resolution of the House of Representatives of the 29th December last; which was read, and ordered to lie upon the table.

The Speaker also laid before the House another letter from the Secretary of the Treasury, transmitting reports from the incorporated banks in the District of Columbia, showing the state of their affairs on the 31st December, 1822.

An engrossed resolution, entitled a "Resolution to direct the withholding of the compensation of certain prize agents," was read the third time, and passed.

The House proceeded to reconsider their disagreement to the latter part of the first amendment of the Senate to the bill, entitled "An act to extend the jurisdiction of justices of the peace, in the recovery of debts, in the District of Columbia:" Whereupon, the House receded from their disagreement to the said latter part of the amendment aforesaid.

The Speaker laid before the House a letter from the Secretary of State, transmitting a supplementary return of the digest of the accounts of the manufacturing establishments, and their manufactures; which was read, and ordered to lie on the table.

An engrossed bill, entitled "An act to authorize and empower the Secretary of the Department of the Treasury to sell the public lots and other property belonging to the United States, in the District of Columbia," was read the third time, and passed.

Bills from the Senate, of the following titles, to wit: 1. "An act to authorize the building of lighthouses, light-vessels, and beacons, therein mentioned, and for other purposes;" 2. "An act to authorize the recorder of land titles in the State of Missouri to examine into the number and state of the unconfirmed French and Spanish land claims in the State of Missouri, and to report the same to Congress at their next session"—were read the first and second time, and referred—the first to the Committee on Commerce, and the second to the Committee on the Public Lands.

The House resolved itself into a Committee of the Whole on the bill to authorize the Postmaster General to pay for certain repairs to the General Post Office, and to keep the engine-house, the fire engine, and apparatus, in repair. The bill was reported without amendment, and ordered to be engrossed and read a third time to-day.

The House resolved itself into a Committee of the Whole on the state of the Union; and, after some time spent therein, the Committee rose, and reported the bill to authorize the laying out and opening certain public roads in the Territory of Florida; and the bill amending and supplementary to the act for ascertaining claims and titles to land in the Territory of Florida, and to provide for the survey and disposal of the public lands in Florida; with amendments to each; which said amendments were severally concurred in by the House; and the said bills were ordered to be engrossed and severally read a third time to-day.

A Message was received from the President of the United States, which was read; and is as follows:

To the House of Representatives of the United States:

I transmit to the House of Representatives, a report from the Secretary of State, made in pursuance of the resolution of the 21st of January last, requesting the President of the United States to cause to be arranged and laid before that House, a Digest, showing such changes in the commercial regulations of the different foreign countries with which the United States have

intercourse, as shall have been adopted, and come to the knowledge of the Executive, subsequently to the formation of the digest communicated to the Senate on the 7th December, 1818.

JAMES MONROE.

WASHINGTON, *Feb.* 27, 1823.

The SPEAKER laid before the House, a letter from the Secretary of the Treasury, transmitting sundry statements in relation to the operations of the Mint of the United States, during the year 1822; which was read and ordered to lie upon the table.

The House resolved itself into a Committee of the Whole, on the bill to establish an additional land office in the Territory of Michigan; which was reported with amendments; which were concurred in by the House, and the bill ordered to be engrossed and read a third time to-day.

POST ROUTES AND POST OFFICES.

The House resumed the consideration of the bill to discontinue certain post routes and to establish others; and the said bill being further amended in the House—

Mr. BAYLIES moved to add thereto the following:

"And that the postmaster at Taunton, in Massachusetts, shall be allowed twenty-five dollars, quarterly, out of the proceeds of the office at that place, in addition to what is now allowed him by law."

The question to agree to this amendment was decided in the negative.

Mr. VAN WYCK then moved to strike out the third section of the bill; which motion was decided in the negative; and—

Mr. BAYLIES moved to amend the bill, by adding thereto the following section:

"SEC. 4. *And be it further enacted,* That the Postmaster General be authorized, and he is hereby authorized, to cause the mails to be conveyed in steamboats, at such rates, and over such waters, and in such manner, and at such seasons of the year, as he may deem expedient for the public good."

And, on the question to agree to this amendment, it was determined in the negative.

Mr. FRANCIS JOHNSON moved to add to the bill the following section:

"SEC. 4. *And be it further enacted,* That the postmaster at Fredericksburg, Virginia, shall be allowed fifty dollars, quarterly, out of the proceeds of the office at that place, in addition to what is now allowed him by law."

This amendment was also disagreed to by the House.

Mr. VAN WYCK then moved to add to the third section of the bill the following:

"And that the postmaster in the town of Fishkill, Duchess county, in the State of New York, be allowed twenty-five dollars a quarter, out of the proceeds of that office, in addition to what is now allowed by law."

The question being taken to agree to this amendment, it was decided in the negative.

Mr. WHIPPLE moved to add to the bill the following section, viz:

"SEC. 4. *And be it further enacted,* That, in all cases where the emoluments of any postmaster shall not exceed the sum of one hundred dollars, and the Postmaster General shall be of opinion that the services performed justly entitle such postmaster to further allowance, he shall grant such further allowance as he shall deem just."

And, on the question to agree to this amendment, it was determined in the negative.

Mr. MONTGOMERY moved to add to the bill the following section, viz:

"SEC. 4. *And be it further enacted,* That the sum of fifty dollars per annum be paid to the postmaster at the Hazle Patch, in Knox county, Kentucky, in addition to the allowance heretofore made by law."

This amendment was also disagreed to; and the bill was ordered to be engrossed and read a third time to-day.

SUPPRESSION OF DOCUMENTS.

Mr. CAMPBELL, of Ohio, from the select committee appointed to inquire who committed the act of suppressing certain passages of documents transmitted to the House, made a report in relation thereto, recommending that the committee be discharged from the further consideration of the inquiry committed to it; which report and resolution were read and ordered to lie on the table. The report is as follows:

The committee, instituted under the resolution of the House of Representatives of the 6th instant, ask leave to report, in part:

Thus far, the attention of the committee has been chiefly directed to the performance of the duties required of them by the first member of the resolution. As the investigation was undertaken without any sanguine expectations of being able to designate the person who caused the suppression of the paragraph in the letter A 5, they feel but little disappointed in not having made the discovery.

The committee requested the appearance of every person who, it was supposed, could make any disclosure, tending in the least degree to the accomplishment of the object for which they were appointed. The attendance of the witnesses was prompt, and all the depositions were made under the solemnities of an oath. That the testimony might be as explicit and intelligible as possible, interrogatories, deemed the most pertinent, were propounded to the witnesses, and the responses reduced to writing, in the language in which they were given.

The committee submit the following as the substance of the testimony which has been collected, in addition to that already reported to the House.

Mr. Cook, the member from the State of Illinois, deposes, that the documents of which letter A 5 is one, were in his possession two or three days; that he believes no person, during that period, had access to them in his absence; that Mr. Edwards, a Senator from the State of Illinois, inspected them in his presence; but whether the inspection extended to letter A 5 he is unable to say; that he is impressed with the belief that Mr. Van Swearingen, late a Representative from Virginia, was present; but thinks he did not examine the documents. Mr. Cook states it to be his impression that he read letter A 5, before the documents were printed; that he has no recollection of seeing the brackets, cross, and underscoring, at that time, nor does he yet know by whom, when, or where, they were made; that he did not know, until the pendency of the former

investigation, that the practice, in the office of the Intelligencer, was to omit printing those paragraphs which are included in brackets, and crossed; that the documents were in his drawer, in the House of Representatives, about a day before he moved to have them printed; and that he very rarely kept the drawer locked. See A E.

Mr. Edwards, a Senator from the State of Illinois, deposes that, some time last Winter, the manuscript documents, of which A 5 is one, were, at his request, brought to his room by Mr. Cook; that he inspected those minutely which had a relation to the bank at Edwardsville; that, having no motive to examine the correspondence between the Treasury Department and the Bank of Steubenville, he did not see letter A 5, nor did he ever see it until it was shown to him by the committee; that he knows not by whom, or when, the marks it now bears were made; that, some time last Winter, Mr. Cook intimated to him that there were such expressions in the documents as are contained in the suppressed paragraph. See B.

Mr. Dickins, a clerk in the Treasury Department, deposes, that he had no intercourse with the printers, for the purpose of seeing, or in any wise altering the documents, during their publication. See C.

It having been intimated that the underscoring was made with ink different from that used in the Clerk's office, the committee requested the attendance of Mr. S. Burch, chief clerk in the House of Representatives. He states that age increases the darkness of the ink used in the office, whilst that which is furnished Congress, having been in use some time, fades, and assumes a rusty appearance, such as is exhibited in the underscoring of the suppressed paragraph. He states, that the underscoring is, in his opinion, made with ink of a character unlike that with which the body of the letter is written. See D.

William R. Dickinson, Esq., in a letter to Mr. Dickins, of the 10th instant, states, that he had examined the letter-book which contains A 5, and also conversed with the clerk of the bank on the subject, and that both are of opinion that no part of the letter was underscored or marked, when it left the bank.

The committee cannot conclude this report without an expression of their conviction, founded as well on the character of the transaction to which the suppressed paragraph refers, as the circumstances under which it has been communicated to the House, that there does not exist the semblance of a reason for charging upon the Secretary of the Treasury any agency in its suppression, or for connecting him in any way with the mutilation of this document. The transfer from the Bank of Chillicothe to the Bank of Columbia, and thence to the Bank of Steubenville, of the sum of eighteen thousand dollars, which was held by the former institution as a special deposite, was an ordinary banking operation, weakening in no degree the security of the Government, and which has eventuated in no loss to the Treasury. There could have existed, with the Secretary of the Treasury, therefore, no motive for this suppression. He had no end to attain, no purpose to subserve, by the practice upon the House of a fraud, alike insulting to its dignity, and discreditable to the agent who should hazard its perpetration. The circumstance that the Secretary of the Treasury, in responding to the call of the House, communicated the original letter, of which the suppressed paragraph is a part, is decisive, in the judgment af the committee, to negative the idea, if ever indulged, that there could have been entertained by that high officer any intention to keep out of view any part of its contents, particularly as it is usual, in answer to calls from the House, to communicate the copies of documents, rather than the original, which has been transmitted in this case.

The committee, after a careful examination of the pencil brackets and marks upon (A 5) and a close comparison of them with the marks upon other letters communicated to the House, acknowledged by Mr. Dickins to have been made by him, are unable to form any opinion of the probable authorship of this suppression. There is nothing in the marks themselves to indicate it, nor in the correspondence of the marks upon the one letter with those upon any other, to show that they are the work of the same hand. In reference to the underscoring of part of the suppressed paragraph of (A 5) the committee have taken some testimony which they beg leave to submit to the House, with the remark that neither the testimony of Mr. Burch, nor any other testimony they have obtained, will, in their apprehension, justify the opinion that any member of Congress made the underscoring or the brackets, which induced the printers not to publish the paragraph. The letter of Mr. William R. Dickinson to Mr. Dickins, although not strictly before the committee, as evidence, they have thought it not improper to bring to the view of the House.

An expectation that any further efforts to detect the person who caused the suppression of the paragraph in letter (A 5) must prove as unavailing as those already made, induces the committee to ask to be discharged from the further consideration of so much of the resolution as relates to that subject.

The Examination of the Hon. D. P. Cook, taken on Monday, the 10th of February, 1823, *under oath.*

Question 1. Can you say, at this time, how long you were in possession of the documents, of which (A 5) is one?

Answer. I cannot say precisely how long. My impression is, I brought them to the House, on the Saturday or Monday after they were presented to the House.

2. At whose house did you board last session?

Answer. I boarded at Mrs. Heyer's at the time I had possession of the documents.

3. Were the documents above alluded to, inspected by any person but yourself, while they were in your possession? If they were, by whom?

Answer. They were. They were inspected by Governor Edwards; but to what extent, I do not know.

4. Do you know whether he inspected document A 5?

Answer. I do not know that he did.

5. Were the documents, or any of them, in possession of any other person than yourself, after they were withdrawn by you from the Clerk's office, and before their return thereto? If yea, in whose possession were they?

Answer. I think they were in the possession of no person, except when I was present; if they were, I have no recollection of it. And the only person in whose possession they were, when I was present, was Governor Edwards. My impression is, that Thomas Van Swearingen, a member from Virginia, was present; but I do not think he examined the papers. I understood, from Governor Edwards, at that time, that some communication had been made to him, by Mr.

Van Swearingen, which induced him to wish to see the papers; which was some conversation held, either between Mr. Swearingen and the Secretary of the Treasury, or between the Secretary and some other person, of which he had been informed; and which, I understood, related to the bank at Edwardsville, where Governor Edwards lives.

5. Were the documents, or any of them, while in your possession, read by you to any person or persons; if yea, to whom?

Answer. If they were, I have no recollection of it; though it is possible they may have been.

6. When did you first observe the pencil brackets, embracing that part of (A 5) which has been suppressed in the printing; and did you at that time, if not, at what time, did you observe the underscoring in said suppressed paragraph?

Answer. I first observed the pencil brackets after the documents were printed, in the Clerk's office, at the time I sent for them to make the examination alluded to in my former testimony. In relation to the underscoring, I have no recollection of it, until since the agitation of the subject at this session.

7. Do you know by whom the underscoring in the said suppressed paragraph was done, or caused to be done; if yea, by whom, and when?

Answer. I do not know when, where, or by whom done.

8. Look at the letter (A 5) and the marks thereupon. Do you believe it possible the said letter can be read without noticing the said marks?

Answer. My impression is, I read this letter before the printing of the documents, and have no recollection of having seen the marks at that time. I also read a letter from the President of the Bank of Missouri, which, it has been stated, was marked before it was sent to the House, and of the marks on which, I have no recollection; and, therefore, it is possible that (A 5) may have been marked, and I not have observed it.

9. What prudential reasons influenced you in your application for a certified copy of the letter (A 5)?

Answer. In conversation with two or three gentlemen, the subject of my calls on the Secretary of the Treasury at the last session, in relation to the bank deposites, became a topic of conversation. The subject of the omitted paragraph, after other conversation, was also spoken of. It was then suggested to me, that, as I had made the statement of the omission, if any difficulty should result from it, and it should be deemed a matter of any importance that the letter might possibly be withdrawn in some way from the files of the House, and that, in the event of such an occurrence, it might be well for me to have the letter either examined by some member of Congress, or to obtain a certified copy of it; and that was the inducement for my obtaining the copy.

10. With whom was the conversation, alluded to in your answer to the last interrogatory, held; were they members of Congress, or others?

Answer. They were members of Congress—Mr. Edwards, of Connecticut, was one. I do not consider myself at liberty to name others without their leave; and to which, I presume, they will not object.

TUESDAY, 1 *o'clock P. M.*

The committee met, and resumed the examination of Daniel P. Cook, a Representative from Illinois, who, in continuation of his answer to the last interrogatory proposed yesterday, says: That, having consulted the gentlemen with whom I had the conversation before referred to, and they having no objection to the communication of their names, I now state, that they were Mr. Ingham, of Pennsylvania, Mr. Edwards, of Illinois, of the Senate of the United States, and Mr. Edwards, of Connecticut. Mr. McNeill was in the room in the course of the evening, but I do not think present at this conversation. This conversation took place in the room of Governor Edwards, and between the first and sixth of January last.

B.

THURSDAY, *February* 13, 1823.

Interrogatories proposed to the Hon. Ninian Edwards, a Senator from Illinois, which were answered under oath.

Interrogatory 1. Have you, at any time, and if yea, at what time, or times, seen the documents now shown to you, of which A 5 is a part, and which in printed documents is No. 66? Where did you see them, and how often?

Answer. I am not here of my own suggestion, but by the request of the committee. The manuscript documents which include A 5 were brought to my room at my request, by Mr. Cook, for my examination; and I did examine those parts which I was desirous to see, in the presence of Mr. Cook and the Hon. Thomas Van Swearingen, then a member of the House of Representatives; very soon after which examination, Mr. Cook retired from my room, and took the documents with him, and I never have seen them since, until the present time. As well as I remember, the House of Representatives directed Mr. Crawford's report to be published without the documents and Mr. Cook told me that he had been permitted to take the documents into his possession for examination; upon which I requested him to bring them to my room. This was some time during the last session of Congress, and before the documents were printed.

2. What part of said documents did you examine particularly?

Answer. I examined those that related to the Bank of Edwardsville, pretty minutely, partially those that related to the Bank of Missouri, and I think it probable that I examined a part of the documents that related to the Tombigbee Bank; I am under the impression that I did. I have not the slightest recollection of having examined any other part of the documents.

3. Look at the letter A 5, now shown to you, and the pencil marks and underscoring thereupon. Did you, when you made the examination of the documents, see and read this letter? If yea, did you discover upon its face the marks it now wears?

Answer. I did not examine the documents relating to the Bank of Steubenville. I had no motive to lead me to their examination, and I did not see the letter marked A 5, nor did I see or hear of any marks upon it, or upon any other letter, at that time.

4. Do you know by whom said marks or underscoring, or any part of them, were made?

Answer. I do not. They were not made by me, nor by any other person in my presence.

5. When did you first hear the marks upon this letter, A 5, spoken of, and by whom?

Answer. I think I heard them first spoken of last Winter, after the documents were printed, by Mr. Cook, but I cannot state precisely the time.

6. Did Mr. Cook state to you when or how he first discovered the marks upon A 5?

Answer. All that I can recollect that throws any light upon that subject is this: Mr. Cook had stated to me that such expressions, as are contained in the suppressed paragraph of the letter A 5, were in the documents, and, afterwards, upon reading the printed documents, and not being able to find these expressions, I reminded him of his having told me that there were such expressions in some part of the documents. I have always supposed that that was his reason for examining the documents, for he afterwards stated that the paragraphs were marked.

7. What led you to the examination of the documents brought to your room by Mr. Cook, at your request.

Answer. There were two objects. The first of which was that I heard of certain suggestions, which I supposed were intended to criminate me in relation to the Bank of Edwardsville, and wished to see what the documents contained on that subject; and, particularly, one or more letters, which I believed had been written to Mr. Crawford in 1819. The other was a statement which I had seen, or understood to be in Mr. Crawford's report, and which I thought I knew to be erroneous, to wit: That the uncurrent paper which he received from the Bank of Edwardsville had been received by that bank before the date of the contract, under which it agreed to pay specie. Because I, myself, had made the arrangement with him concerning the bank, and knew that the first article of the contract, under which it became a depository of public money, was, that the deposite should be entered to the credit of the Treasurer as cash. I did not examine the documents with reference to any other objects.

8. Were you at any time a director in the Edwardsville Bank? Did you resign your seat as such director? If yea, at what time? And was it or was it not because you believed that the circumstances of said bank were impaired, and that it would be compelled to stop? When did said bank stop?

Answer. I was a director of the Bank of Edwardsville. It was organized about the time I left Edwardsville, in the Fall of 1818, to take my seat in the Senate of the United States. Previous to that time, the public moneys received at Kaskaskia and Edwardsville, were deposited in the Bank of Missouri, at St. Louis, as I understood, by the directions of the Secretary of the Treasury; and believing that the money received by these offices would be equally as safe in the Bank of Edwardsville as in the Bank of Missouri, in which opinion subsequent events have proved that I was not mistaken, I applied to the Secretary of the Treasury to have the money received by these offices deposited in the Bank of Edwardsville, which he readily agreed to do. On my return to Edwardsville, from Congress, in 1819, I found that a great run was made upon the bank, resulting, as I then believed, and still believe, from a formidable combination against it; and fearing that it might at some time or other fail to fulfil its engagements to the Government, I determined to sustain it against the run that was then made upon it, to get it, if possible, out of the reach of danger; and then to free myself from all responsibility with regard to it. Accordingly, some time in the year 1819, I made a publication in the St. Louis Enquirer, Edwardsville Spectator, and I think one other paper, the object of which was to give public notice, and to apprize the Secretary of the Treasury of my intention to withdraw from the bank, and my determination to relieve myself from all responsibility in regard to it; leaving the Secretary to judge for himself, from the returns he required it to make, of the propriety of continuing it a depository of public money; and, although I believed that the St. Louis Enquirer was sent to him, I enclosed him a paper containing my publication; and that he might have as perfect a control of the subject as possible, I prevailed upon Colonel Benjamin Stephenson, the receiver, and the President of the Bank of Edwardsville, who apprehended that ill consequences would result from my withdrawing from it, to write to the Secretary of the Treasury upon the subject, and enclose him one of my publications; and I advised him, in the meantime, to withhold all further deposites, till he could receive the orders of the Secretary; and I believe he did so, though I do not positively know it. I saw him write the letter and enclose the publication, and I have no doubt the Secretary received it. Colonel Stephenson afterwards informed me that he had received a letter from the Secretary, directing him to continue the deposites in the bank; and I was much surprised at not seeing this correspondence in the report, as well as one or more letters, which, I confidently believe, were written to the Secretary of the Treasury in 1819, for the purpose of apprizing him of the situation of the bank at that time, and inducing him to forbear to draw upon it until it could relieve itself from the pressure it was then encountering. The bank continued to pay specie notwithstanding the pressure, and in the Fall of that year, I expect, was in as good situation as any bank in which the public money was then deposited.

According to the pledge which I gave in my publication, I resigned my seat as a director, and though I was once elected to the same station since that time, I refused to accept it, nor have I had any thing to do with the management of the bank since the Fall of the year 1819; and that I might not be liable even to the suspicion of having been influenced by interested motives, in consequence of a hundred shares which I held in the bank, I have never borrowed one cent from it, though I paid the instalments required of me upon my shares, in good money. I presume the documents will show when the bank stopped; I think it was in 1821, in the latter part of the Summer, or the first of the Fall; it continued, after that, to redeem its notes under ten dollars.

Question. Can you furnish to this committee a copy of the publication referred to in your answer to the last interrogatory?

Answer. I cannot furnish such a copy, but think that Mr. Crawford could; and presume that Colonel Benton recollects it. I think it substantially contained in what I have stated, in pretty express terms.

TUESDAY MORNING, February 19.

Mr. Dickins examined.

Interrogatory. Were you at the office of the Intelligencer at any time during the printing of the documents, of which (A 5) is a part? If yea, for what purpose?

Answer. I do not know that I was at the office of the Intelligencer during that time, nor do I know how long the documents were in possession of the printers. I never saw the documents whilst in their possession, nor expressed to them any wish, in relation to the documents.

D.

Mr. Burch examined.

Interrogatory 1. Look at the underscoring upon the suppressed paragraph of (A 5;) is there any thing in the ink with which said underscoring has been made, which can lead you to pass any opinion upon the character of the mark?

Answer. The underscoring upon the said letter is, in my opinion, in a different ink from that with which the body of the letter is written. It is not the ink of the Clerk's Office of the House of Representatives; it is not so black, but approaches nearer the color of that furnished members during the last session of Congress.

2. Is there any thing peculiar in the character of the ink furnished members of Congress which can enable you to identify it?

Answer. The ink, after being used for some time, assumed a rusty color, such as is exhibited by the underscoring upon the letter (A 5;) instead of growing black, as it grows older, it fades and rusts.

E.

Mr. Cook re-examined on the 22d February.

Question 1. At what time did you first become acquainted with the practice, in the office of the Intelligencer, of omitting to print those parts of documents marked with crosses, and included in brackets?

Answer. I never heard of such a practice until I heard it stated to the other committee of investigation by the printers.

Question 2. How long, after the documents were returned by you to the House, was it before you moved that they should be printed?

Answer. I think it was not more than two or three days, but I cannot say exactly how long it was.

Question 3. Do you think it was not on the same day?

Answer. I think it was not. It appears to me the documents lay in my drawer, in the House of Representatives, at least one day before I made the motion, and probably longer.

Question 4. Were you in the habit of locking your drawer?

Answer. No, I was not, except on some occasions, when the House adjourned from Friday, or Saturday, until Monday; and not always then.

F.

BANK OF STEUBENVILLE, *Feb.* 10, 1823.

DEAR SIR: I have just received yours of the 29th ultimo, calling my attention to a paragraph in my letter to the Secretary of the Treasury of the 3d of April, 1819, which paragraph was omitted by the printer, on a call of the House of Representatives.

I have examined the book containing the copy of that letter, and have conversed with the clerk of the bank on the subject. We are both satisfied that no part was underscored or marked in any way when it left the bank. How or by whom it was thus marked, or for what purpose, I am totally ignorant.

Surely there was no just reason for suppressing that paragraph; the circumstance to which it referred being really trifling in itself, although, in the warmth of the moment, I gave an importance to it which this unfortunate suppression is calculated to magnify. The debt of eighteen thousand dollars, transferred from the Branch at Chillicothe to the Bank of Columbia, (where the whole amount of the special deposite was ordered to be placed,) and thence to this bank, was faithfully paid, with interest. If it had remained at either of those places, it would have been as faithfully paid. It was the property of the Government, and its character was not changed by this transfer.

I am, very truly, &c.

W. R. DICKINSON.

A. DICKINS, Esq.

BANK OF THE UNITED STATES.

Mr. HEMPHILL, from the committee to which were referred the memorial of several banking institutions and insurance companies in the State of South Carolina, and a memorial of the President and Directors of the Bank of the United States, praying for the passage of certain laws in relation to the Bank, and for certain alterations in their charter, made a report thereon; which was read and ordered to lie upon the table. The report is as follows:

The committee report that the memorials claim the interposition of Congress in four particulars.

1. To change that part of the charter which provides that no director, except the president, shall be eligible for more than three years in four.

2. To provide, by law, for the punishment of persons who may be convicted of practising fraud on the bank.

3. To authorize the board to appoint one or more persons to sign notes of the smaller denominations at the parent bank.

4. To pass a law by which the notes of the bank shall only be receivable, in payments to the United States, at the bank or branch where they are made payable.

As to the first, there are many inconveniences which arise from the short duration which is allowed to a directorship; but the committee are not inclined at present to make the change prayed for.

As to the second, the committee report in favor of it, to the fullest extent prayed for, and think that salutary penal laws ought immediately to be passed on the subject.

As to the third, the committee think it is reasonable, and that it ought to be granted. The almost constant manual labor of signing notes must too much exhaust the two principal officers of the bank, and, in a greater or less degree, disqualify them from a due application of their minds to the extensive, critical, and important concerns of the bank.

As to the fourth, the committee are obliged to go into some detail upon it. If the arrangement prayed for would be beneficial to the bank, and not injurious to the Government, nor to local banks, nor to the community at large, it ought to be granted; but more especially ought it to be granted, if it will not only be beneficial to the bank, but productive of public good.

Under the 14th section of the act incorporating the bank, the bills or notes of the bank, originally made payable, or which shall have become payable on demand, are made receivable in all payments to the United States, unless otherwise directed by act of Congress.

It will be observed, in the first instance, that no alteration of the charter in relation to this provision is prayed for. It will also be observed, that the act incorporating the bank did not consider this arrangement as unalterable; it was to undergo the test of

time and experience. On the one hand, Congress reserved the power to change this provision whenever the public good should require it; and, on the other, the stockholders had every reason to expect that, if this provision should distress the bank, Congress would remove it, if by doing so no disadvantage would accrue to the Government. The question now, after a fair and full experiment on the subject, is, whether this provision is judicious or otherwise? and we can only arrive at the truth of this inquiry by comparing the consequences of this provision with that state of things which will most probably exist if it should be removed.

The bank is to place the funds of the Government at any given point; and it is the duty of the bank, as far as possible, to preserve a sound currency in the country. The bank is not bound to pay its notes presented by the Government, except where the notes are payable; but, as it is bound to transfer the funds, little time only could be gained by refusing to pay them wherever received, and that refusal, perhaps, would be attended with inconvenience to the Government; and, accordingly, the bank pays the notes wherever received, without reference to the places where they are payable. The result is, at times, embarrassing to the bank.

The practical effect of the provision under consideration will be more clearly perceived by attending to the usual course of business, and to the state of exchange. The exchanges between the West and Atlantic have always been against the former. The exchanges between the North and the South are, for one portion of the year, against the latter, and for another in its favor. When the exchanges are unfavorable to the South and West, the notes of the Southern and Western branches are taken to the North to pay the balance of debt; they are equal to cash, without the expense of transfer, as they are receivable in payment of duties to the Government. To give the best view of this part of the subject, the committee will incorporate a part of the report of the committee of the bank, presented to Congress in the session of 1820.

Speaking of the branch notes, it says: "they are equal to cash, or very nearly so, in all the principal cities north of the Potomac. They are so because they are receivable in payment of duties to the Government; the portion of which payable to the north of the Potomac, in any quarter of the fiscal year of 1819, was, taking that year as an example, nearly as much as the whole circulation of the Bank of the United States at the same time, and of course kept up a steady demand for the notes of the Southern and Western branches. The union of this demand with the course of exchanges draws the whole of the notes of the Western offices to the Atlantic, and, at particular seasons of the year, the greater part of the notes of the Southern offices to the North. The revenue collected to the South being comparatively small, there can never be any material reflux of their notes, because they will be absorbed by the Northern demand before the exchanges turn, and the balance of payments being always against the West, there is never any towards that quarter. We will now proceed to enumerate some of the evils resulting from the receipt of the notes of the bank and its branches in this manner, and under these circumstances:

"1st. It greatly deranges and distresses the money market, both of the places where the notes are received, and where they are payable. The bank at Philadelphia, and the offices at New York and Boston, did not receive less than between five and six millions of the notes of the offices south and west of them in the short period of fourteen months, exclusive of the notes of the office at Washington. These points were obliged to pay the Government the amount of these notes, and in vain sought for speedy reimbursement from the offices where they were payable. The state of the exchanges which caused this flux of their notes, created an inability to reimburse the offices which had received them until the exchanges turned. The offices receiving them, were, of necessity, obliged to curtail their business suddenly, to provide the means of paying them. Accordingly, the curtailments at Philadelphia, New York, and Boston, within the same period, amounted to upwards of four and a half millions of dollars, and exhausted almost the whole of the capital placed at these points. The capital of New York and Boston united was, at some periods, less than nothing. What distress and embarrassment must have been caused by these circumstances, will easily be conceived by those who have reflected on the nature and effects of the sudden withdrawal of a large portion of the active capital of a trading community.

"The evil suffered in the community where the notes were thus received and paid, was not all. The officers whose notes were thus received and paid were necessarily called upon to provide the means of reimbursement, and curtailments to a corresponding amount were ordered in them, and like distress and embarrassment produced in the communities where they were located. Double the amount of the notes thus circulated was in this way withdrawn from us to provide for their payment. The aggregate curtailments in the fourteen months before alluded to (from 1st September, 1818, to 1st November, 1819) were upwards of ten and a half millions of dollars, and it is confidently believed it would not have been necessary to have reduced the discounts of the bank a single cent but for this cause. When these reductions commenced, the discounts were very moderate for the capital of the bank. They did not amount to $42,000,000.

"Nor is the extent of the distress and embarrassment measured by the immediate effects of the reduction of the discounts of the bank and its branches. These reductions, in their operation, throw back upon the State banks a portion of their circulation, and reduce their deposites, and they also are obliged to curtail their business, and add to the general mass of distress.

"The uncertain liability of the bank and its branches, as each is in a certain degree liable to pay the notes of all the rest, and the perpetual alteration of the capital of each, by paying the notes of the others, and having its notes paid by them, puts it beyond the power of calculation to determine the extent of business which can be safely done, and leaves the bank to vacillate between the hazards of rashness, and the fruitless results of a torpid prudence: to-day, a branch shall have a million of capital, and in three months it may be without a cent.

"2d. It diminishes and deranges the currency of the whole country. The bank was under the necessity, to protect itself from danger, and to avoid charging itself to an unlimited amount with the cost of adverse exchanges, to forbid the offices, with which the exchanges were unfavorable, to issue their notes. It, however, issued its own notes, and the offices against which the exchanges did not run, issued their notes

without any limit but that of the demand; yet the circulation of the bank was, by this cause, greatly decreased. Thus, for example, in the short space of five months, from the 1st April, 1819, to the 30th August, 1819, it was reduced from $6,045,428 to $3,838,386.

"This, however, does not show the entire extent of the abstraction from the currency, which this cause produces. Let it be supposed that the circulation of the bank is four millions of dollars, and that one-half of it has been issued by offices to the South and West, and it is in use for the purposes of being remitted to the North and East. It is, thereby, as much taken out of the currency as if it were destroyed; and it leaves only two millions of currency furnished by the bank. But the bank will, probably, have four millions of specie in its vaults, and it cannot safely have less under these peculiar circumstances; this sum, also, is withdrawn from circulation. Thus, the bank, not by its fault, but by the necessity which is imposed upon it, has withdrawn four millions of specie from the currency, and has given a substitute, in its notes, only to the amount of five millions. In this view, the currency has been diminished two millions. But even this is not the worst view of it. Let us suppose that the notes of the bank and its branches could not be converted into bills of exchange, and there is no doubt it is presumed, that, with its high credit, it could easily do what many local banks have accomplished. It could circulate two dollars of its bills for every dollar it should have in its vaults. Then, it is supposed to have four millions of dollars in its vaults, and could circulate eight millions of its notes, which would be equal to gold and silver. It then would have added four millions to the currency, while, at present, it diminishes it to the amount of two millions, making a practical difference of no less than six millions in the sound currency of the country. The view may even be extended, because the Bank of the United States could, had its capital not been deranged by this very cause, have given a greater addition to the currency with the greatest ease and safety, if a demand had existed for it, by increasing its specie. No evil can be greater than a decreasing currency. In the words of a great man, 'poverty, and beggary, and sloth,' follow in its train.

"But this evil of a decreasing currency will not occur as a rare calamity, once, perhaps, in a century, but will be renewed with every flux and reflux of the exchanges between the different portions of the country, as long as the bills of the Bank of the United States are thus receivable by the Government.

"3d. It makes the necessary public burdens, in some instances, doubly oppressive. In all the States south of Virginia, and in nearly, if not all, the Western States, the Government of the United States does not expend half the revenue it collects; the surplus must be remitted to other points, where it is necessarily to be expended. This draws so much of the capital of those States from them, and adds it to the capital of another—New York for example. This is not a subject of complaint, though it is certainly an evil. But when the revenue of New York is collected in the notes of the offices of the South and the West, perhaps to an equal amount, and drawn from the necessary currency of these portions of the country, the evil produced by the remittance of the surplus revenue becomes intolerable, because the means of making it have been taken away. The capital of these States is fettered by the necessary curtailments of their banks, their currency is diminished, and that state of things which is called a scarcity of money, is produced, exchange rises, and, when the revenue is to be remitted, the means of doing it no longer exist."

As bank notes represent specie, such a relationship should be maintained between them as to enable a given amount of specie to sustain as large a paper circulation as could be instantly converted into specie; but this can never be accomplished while specie must be provided at so many different places for the payment of the same note; the uncertainty of the places where the notes will be presented for the payment must at all times confound the most discreet calculation for the maintenance of a proper relation between the specie and paper circulation. To the Government it can be of no advantage, as debts must be paid to the Government where due, and its funds, the bank is obliged to transfer from place to place, at the pleasure of Government.

In the opinion of the Secretary of the Treasury, in his report to the second session of the Sixteenth Congress, the alteration would be beneficial to the community; it is as follows:

"Preliminary to a resort to internal taxation of any kind, the charter of the Bank of the United States ought to be amended, so as to make the bills of all the offices of the bank, except that at the Seat of Government, receivable only in the States where they are made payable, and in the States and Territories where no office is established—the effect of this modification would by, to make the notes of the offices of the Bank of the United States, except the office in this District, a local currency, which will enter and continue in the local circulation of the States in which they are issued—the notes thus issued will render the local circulation of the States sound, and furnish to the citizens the means of discharging their contributions to the Government.

"This measure will also place the State institutions, to the south and west of this city, in a more eligible situation, in relation to the offices of the Bank of the United States, by enabling them to adjust their accounts with these offices by the exchange of notes, instead of liquidating their balances by the payment of specie."

To the portions of the country where the balance of trade is generally unfavorable, it must be injurious, as it deprives them of every benefit which the sound currency of the Bank of the United States is capable of affording to them; the Bank, in such places, for its own defence, being obliged entirely to suspend the issuing of notes.

To the portions of the country where the exchange is at intervals unfavorable, it is injurious, because it occasions an unprofitable and distressing fluctuation in the paper circulation of the place; for, in proportion to the disappearance of branch notes, must inevitably follow curtailments, not only of the branch, but of the local banks. The Southern banks sensibly feel the effects of this vacillating and disordered state of things; and their memorial contains the following remarks on the subject: That "they are perfectly satisfied, if the notes of each office of the Bank of the United States were made receivable only at such office, and thereby confined in their circulation to the State in which they were issued, and to those parts of the adjacent States more immediately connected with it in commerce, that very great benefits would result to

the different banking institutions in particular, and to the community in general.

"The offices would then issue their notes on precisely the same principles, and in the same proportions, as the State banks; and their business would be conducted, according to their several capitals, on terms of perfect reciprocity, the rates of exchange would then become more uniform and moderate, by an increase of competitors in regular exchange operations. The different moneyed institutions, and the community, would be relieved from the exactions which they occasionally feel, and of which they are always apprehensive. Good will would exist towards an institution very capable of even now affording great advantages to the Government; and harmony would be restored between it and every part of the community."

The regulation, as it now exists, operates as a practical prohibition to issue any notes in the Western States, and to a like prohibition to issue them to the South, during six months in the year; while the collection of the revenue, and the convenience of the people, in these quarters of the Union, require them to be issued continually.

To simplify the case, let any given district be selected, where there is no sound currency, and where no notes of the Bank of the United States can, at present, be issued, for the reasons already given.

If the notes, when issued, could only be receivable at the office issuing them, their circulation would be limited. The office, for its own benefit, must do business; the notes of solvent individuals would be discounted, and a sound paper would be put in circulation, which could not leave the boundary which practice would prescribe for it. The holders of branch notes could demand silver whenever wanted for transportation, and the expense of this transfer, as in the ordinary cases of trade, would soon bring business to a safe and proper level; and some sound standard among the local banks would follow as a necessary consequence.

The same reasoning would, in part, apply to places where exchanges fluctuate. At present, the branch notes are often unnaturally taken from the places at which they are wanted, and carried to places where they are not wanted.

If the desired arrangement was effected, the bank would be enabled to put into circulation a much larger quantity of sound paper than at present; by which the bank, and the Government, being the owner of one-fifth of the stock, would be greatly benefited; and from its operation, it is believed that the community at large would enjoy real advantages.

What substantial reason can be given for an adherence to this provision of the law?

In what manner does it produce any public good?

Its operation on exchange is ineffectual.

In reference to any two given places, when the balance of trade is against the one, gold and silver there will be of less value than at the other, by the expense of transportation; and the exchange will always be about equal to this expense. The nature of trade will keep this balance alternating, and it may be, generally, against one place in a certain direction, while, at the same time, it is in its favor in another direction; but the design of making paper circulation for the purpose of exchange better than the specie it represents, appears to be in a great degree fallacious. The bank can never equalize exchange; the expense of exchange must be borne by the debtors, in the debtor part of the country, and every attempt to give a different direction to it will be baffled. It is alien to the inflexible laws of trade, and cannot be realized.

Indeed, if the branch notes can be drawn directly from the office, they will, of course, be free of the usual expense of exchange; but this rarely happens; the real debtor, who uses them as exchange, has generally to pay to the money dealers a premium higher than a just premium on exchange in its accustomed form.

The Southern institutions, and the most respectable citizens in Charleston, who are materially interested, and who have witnessed the effect produced in practice, have informed us, in their memorial, that the business of exchange will be improved, and the exchange itself moderated.

There are exceptions, which, perhaps, it will be proper to make.

The notes of the parent bank may be receivable at any of the branches.

The notes of the office at Washington might be receivable at the parent bank and the branches, and, for the convenience of travellers, the five dollar bills of the bank ought to be receivable every where, and all the notes of the bank and its branches may be received in the States and Territories where the bank has no establishment.

As it is no part of the charter, the law can be repealed at the pleasure of Congress, and, to guard it, in the most effectual manner, let the law, for the sake of an experiment, be limited to two years; it will then require a re-enactment, which cannot be procured unless its utility shall have been proved by experience.

There are but few considerations that are more momentous than that which relates to the currency of the country; and it belongs to the Bank of the United States, as far as possible, to preserve its soundness. It is an institution that is entitled to a patient and calm hearing; its advantages to the country have been great, while its sufferings are but too well known. Errors, if any have been committed, it is hoped experience will correct; prejudices, if any existed, it is hoped have now subsided, and that reason alone will, in the end, prevail.

The following resolution is offered:

Resolved, That the Committee on the Bank of the United States be instructed to prepare and bring in a bill agreeable to the above report.

JOHN POLEREZSKY.

A successful motion was made by Mr. HERRICK to discharge the Committee of the Whole from the further consideration of the bill for the relief of John Polerezsky, a major in the war of Independence.

The bill being before the House—

Mr. HERRICK moved to fill the blank with "twenty" dollars, so as to allow him a pension of twenty dollars per month, &c.; which motion was agreed to—ayes 49, noes 47.

Mr. LITTLE moved further to amend the bill by inserting the name of "Peter Le Clerc, at eight dollars per month."

This motion, after some conversation between Mr. HERRICK, who opposed the motion, and Mr. LITTLE, in support of it, was negatived.

Mr. WHIPPLE, considering the principle in-

volved in the decision had on this bill to be very important, as it would materially affect the applications for relief, by pension, of future applicants, &c., required the ayes and noes on the third reading of this bill; in which call he was sustained.

Mr. RHEA proceeded to remark against the principle this bill established, when, having finished—

Mr. TAYLOR, deeming a matter of so private a nature as this should not be made subject to a decision by yeas and nays, at this hour of the session, moved to lay the bill on the table; which motion was agreed to—ayes 71, noes 40.

The House, on motion of Mr. INGHAM, proceeded to consider the bill authorizing the employment of certain additional clerks for the different public offices therein mentioned. Several amendments were made to this bill, with but little opposition; when, on the question to engross the bill for a third reading—

Mr. COCKE prefaced a motion to lay the bill on the table with some remarks, indicating his opinion that there was a want of necessary information on this subject, and questioning the necessity of making the tenure of these offices lawful.

The question was then taken on ordering the bill to lie on the table, and agreed to.

REVOLUTIONARY PENSIONS.

The House proceeded to consider the amendments proposed by the Senate to the bill entitled "An act supplementary to the act to provide for certain persons engaged in the land and naval service of the United States in the Revolutionary war;" and concurred in all of them, except that which proposes to add the following to the bill, as a fourth section:

"SEC. 4. *And be it further enacted*, That every pension which may become payable, in pursuance of the provisions of this act, or the acts to which this is a supplement, shall, from and after the 4th day of September next, be reduced twenty per cent. on the amount now payable by law, to the pensioners, respectively."

An amendment being proposed to this section, and debate arising,

The *previous question* was called for, and being demanded by a majority of the members present, the said previous question was put in the form prescribed by the rules of the House, to wit: Shall the main question be *now* put? and passed in the affirmative.

The said main question was then put, to wit: Will the House concur with the Senate in amending the said bill, by adding the aforesaid fourth section thereto? And was determined in the negative—yeas 55, nays 102, as follows:

YEAS—Messrs. Alexander, Allen of Tennessee, Archer, Bassett, Bateman, Burton, Cannon, Condict, Conkling, Conner, Cook, Crafts, Darlington, Dennison, Eddy, Edwards of North Carolina, Findlay, Floyd, Gebhard, Govan, Hall, Hamilton, Harvey, Hooks, Hubbard, Ingham, Jackson, F. Johnson, Keyes, Kirkland, McCoy, McNeill, Matson, Mattocks, Metcalfe, Moore of Virginia, Moore of Alabama, Murray, Newton, Plumer of New Hampshire, Poinsett, Rich, Ross, Russell, Saunders, Sloane, Arthur Smith, Alexander Smyth, A. Stevenson, Tattnall, Trimble, Udree, Williams of Virginia, Williams of North Carolina, and Wood.

NAYS—Messrs. Abbot, Allen of Massachusetts, Ball, Barber of Connecticut, Barber of Ohio, Baylies, Bayly, Bigelow, Blackledge, Borland, Breckenridge, Brown, Buchanan, Burrows, Cambreleng, Campbell of Ohio, Carter, Cassedy, Chambers, Cocke, Colden, Cushman, Dane, Dickinson, Durfee, Dwight, Edwards of Connecticut, Farrelly, Forrest, Forward, Fuller, Garnett, Gilmer, Gist, Gorham, Hardin, Harris, Hawks, Hemphill, Herrick, Hill, Hobart, Holcombe, Jennings, J. S. Johnston, Jones of Tennessee, Kent, Lathrop, Leftwich, Lincoln, Litchfield, Little, McCarty, McDuffie, McSherry, Mallary, Matlack, Mercer, Mitchell of Pennsylvania, Mitchell of South Carolina, Morgan, Neale, Nelson of Massachusetts, New, Patterson of New York, Patterson of Pennsylvania, Phillips, Pierson, Pitcher, Plumer of Pennsylvania, Rankin, Reed of Massachusetts, Reed of Maryland, Rhea, Rochester, Russ, Scott, William Smith, J. S. Smith, Sterling of Connecticut, Sterling of New York, J. Stephenson, Stoddard, Swan, Taylor, Thompson, Tod, Tomlinson, Tracy, Upham, Vance, Van Rensselaer, Van Wyck, Walker, Walworth, Warfield, Whipple, White, Wilson, Woodcock, Woodson, and Wright.

The House then adjourned until 7 o'clock P. M.

Evening Session.

The House again proceeded to consider the bill, supplementary to "An act for the better organization of the courts of the United States within the State of New York;" and the amendment proposed by Mr. WALWORTH, and thereto depending, being withdrawn, the bill was ordered to be engrossed, and read a third time to-day.

Engrossed bills, of the following titles, to wit: An act to establish an additional land office in the Territory of Michigan; An act to discontinue certain post routes, and to establish others; An act supplementary to an act for the better organization of the courts of the United States in the State of New York; An act to authorize the laying out and opening certain public roads in the Territory of Florida; An act amending, and supplementary to, "An act for ascertaining claims and titles to land in the Territory of Florida; and to provide for the survey and disposal of the public lands in Florida; and, An act to authorize the Postmaster General to pay for certain repairs to the General Post Office, and to keep the engine house, the fire engine and apparatus, in repair; were severally read the third time, and passed.

The House resolved itself into a Committee of the Whole, on the bill concerning invalid pensioners; which was reported with sundry amendments; which were concurred in by the House, and the bill ordered to be engrossed, and read a third time to-day.

The House resolved itself into a Committee of the Whole, on the bill to carry into effect the ninth article of the treaty concluded between the United States and Spain, on the 22d February, 1819; which was reported without amendment, and ordered to be engrossed, and read a third time to-day.

The House resolved itself into a Committee of the Whole, on the bill for the relief of James Ross; the bill for the relief of James H. Clarke; and a bill for the relief of John Coffee; which were reported without amendment; and the bill for the relief of James Ross was laid on the table.

The bill for the relief of James H. Clarke and the bill for the relief of John Coffee were ordered to be engrossed, and severally read a third time to-day.

The House resolved itself into a Committee of the Whole, on the bill to authorize the Commissioner of the General Land Office to remit the instalments due on certain lots in Shawneetown, in the State of Illinois; which was reported without amendment, and ordered to be engrossed, and read a third time to-day.

The House resolved itself into a Committee of the Whole, on the bill for the relief of Thaddeus Mayhew; the bill for the relief of Nathan Branson, and the bill for the relief of the administrators of Mahlon Ford, deceased; which were all reported without amendment, and ordered to be engrossed, and severally read a third time to-day.

Engrossed bills, of the following titles, to wit: An act to authorize the Commissioner of the General Land Office to remit the instalments due on certain lots in Shawneetown, in the State of Illinois; An act to carry into effect the ninth article of the treaty concluded between the United States and Spain, on the 22d February, 1819; An act concerning invalid pensioners; An act for the relief of John Coffee; and, An act for the relief of James H. Clarke; were severally read a third time, and passed.

The House resolved itself into a Committee of the Whole, on the bill for the relief of John Jenkins; a bill for the relief of the legal representatives of Jacintha Vidal, Thomas Thompson, and Margaret Thompson; a bill for the relief of Woodson Wren; and a bill for the relief of William T. Nimmo. The two first were reported with amendments; which amendments were concurred in by the House, and the bills ordered to be engrossed, and severally read a third time to-day.

Engrossed bills, of the following titles, to wit: An act for the relief of Thaddeus Mayhew; An act for the relief of Nathan Branson; and, An act for the relief of Woodson Wren; were severally read the third time, and passed.

The House resolved itself into a Committee of the Whole, on the bill granting to the Corporation of the city of Mobile, in the State of Alabama, certain lots of ground in said city; a bill for the relief of James Royal; a bill for the relief of James Smith; a bill for the relief of certain persons who have paid duties on certain goods imported into Castine; and a bill for the relief of William Whitehead and others. The three first mentioned were reported without amendment, and leave had for the Committee of the Whole to sit again on the two last mentioned bills.

The three first mentioned bills were ordered to be engrossed, and severally read a third time to-day.

A message from the Senate informed the House that the Senate have passed bills of the following titles, to wit: An act to commute the pension of Lieutenant Alfred Flournoy; An act to permit Anna Dubord to bring certain slaves into the State of Louisiana; An act to enable the proper accounting officers of the Treasury Department to audit and settle the accounts of the surveyor of public lands in the States of Illinois and Missouri, and Territory of Arkansas, for extra clerk-hire in his office; An act for the relief of Nimrod Farrow, Richard Harris, and their securities; An act for extending the time for locating Virginia military land warrants, and returning surveys thereon to the General Land Office; An act for the relief of Edward Evat; An act for the relief of the heirs of Johnston Blakely; An act supplementary to the act, entitled "An act to designate the boundaries of districts, and establish land offices for the disposal of the public lands, not heretofore offered for sale in the States of Ohio and Indiana; An act for the relief of Robert F. Stockton; An act for the punishment of frauds committed on the Government of the United States; An act for clearing, repairing, and improving, certain roads, for the purpose of facilitating the transportation of the United States mail; An act to alter the time of holding the district court of the United States for the district of Kentucky; An act to continue in force the act, entitled "An act to provide for reports of the decisions of the Supreme Court," passed the third day of March, one thousand eight hundred and seventeen; An act for the relief of Taylor Bury; and, also, a resolution granting to the Washington Library a copy of the public documents, laws, and journals; in which bills and resolution they ask the concurrence of this House.

Engrossed bills, of the following titles, to wit: An act for the relief of James Royal; and, An act for the relief of the legal representatives of Jacintha Vidal, Thomas Thompson, and Margaret Thompson; were severally read a third time, and passed.

[NOTE.—These two bills were not taken to the Senate, that body having adjourned about the time they passed this House, and, under the joint rules, they would not be received on the succeeding day.]

And then the House adjourned.

FRIDAY, February 28.

Mr. NEWTON, from the Committee on Commerce, to which was referred the bill from the Senate, entitled "An act to authorize the building of light-houses, light-vessels, and beacons, therein mentioned, and for other purposes," reported the same without amendment, and it was committed to a Committee of the whole House on the state of the Union.

Several committees were discharged from the further consideration of subjects before them.

Mr. SCOTT, from the Committee on the Public Lands, to which was referred a bill from the Senate to authorize and empower the recorder of incomplete titles to land, &c., reported it.

After a good deal of debate, in which Mr. RAN-

KIN, Mr. COOK, and Mr. TAYLOR opposed the bill, and Mr. SCOTT strenuously supported it, the bill was ordered to lie on the table.

Mr. SCOTT, from the Committee on the Public Lands, to which was referred a bill from the Senate, "to establish an additional land office in the State of Missouri," reported the same with an amendment; and the amendment having been read, it was concurred in by the House.

The question being on ordering the bill to a third reading, Mr. BASSETT and Mr. COCKE opposed the passage of the bill, and Mr. SCOTT supported it.

The question was then taken on ordering the bill to a third reading, and agreed to.

Mr. CONDICT, with a view of lessening the great number of private bills for the relief of individuals, now on the docket of the House, asked leave to offer the following resolution:

Resolved, With the concurrence of the Senate, That so much of the seventeenth joint rule of the two Houses, as prohibits bills originating in either branch of the Legislature, being sent to the other for concurrence, upon this day, be suspended.

Mr. MCCOY, Mr. TOMLINSON, Mr. COCKE, and Mr. RHEA, each considering the rule which prevents bills originated in either House during the three last days of the session, being acted upon by either, as one of the most valuable rules which had ever been adopted for the government of that body, opposed the leave asked for.

On the question to grant the leave asked, it was determined in the negative; and the resolution, of course, fell, leave not being granted to present it.

Mr. FULLER moved the following resolution:

Resolved, That the President of the United States be requested to communicate to this House, as far as the public interest will permit, what measures have been taken to remove or annul the illegal and pretended blockade of the ports of the Spanish Main; to obtain a restitution of vessels of the United States captured by privateers fitted out in Porto Rico and other Spanish Islands, under the pretext of breach of the said blockade; and to prevent such illegal and unwarrantable captures hereafter.

The resolution lies on the table one day.

Mr. CONDICT offered the following resolution, which, being of a character with the preceding one, must lie on the table one day:

Resolved, That the Postmaster General be instructed to report, at an early period of the next session of Congress, what further measures are necessary to provide for a more equitable compensation to deputy postmasters, according to the duties and services rendered by them.

A bill from the Senate "for the relief of Nimrod Farrow, Richard Harris, &c.," was read a first and second time. An animated and even eloquent debate arose upon the merits of Mr. Farrow and others, to the relief which the bill proposes granting them, in which Mr. FLOYD, Mr. J. SPEED SMITH, Mr. MOORE, Mr. JACKSON, Mr. MCCOY, Mr. MERCER, Mr. BALL, and Mr. J. S. JOHNSTON strongly supported, and Mr. WALWORTH and Mr. COCKE opposed the claim to relief.

Several propositions to amend the bill were made; and, while one was pending before the House, the previous question was demanded by Mr. MOORE, of Alabama, and sustained by the House. The main question being put, was finally decided in the affirmative; and the bill was ordered to a third reading, and was read a third time, passed, and returned to the Senate.

Bills from the Senate of the following titles, to wit: 1st. An act to enable the proper accounting officers of the Treasury Department to audit and settle the accounts of the Surveyor of Public Lands in the States of Illinois and Missouri, and Territory of Arkansas, for extra clerk hire in his office;

2d. An act, supplementary to the act, entitled An act to designate the boundaries of districts, and establish land offices for the disposal of the public lands not heretofore offered for sale in the States of Ohio and Indiana;

3d. An act for the punishment of frauds committed on the Government of the United States;

4th. An act to continue in force the act, entitled "An act to provide for reports of the decisions of the Supreme Court," passed the 3d day of March, 1817;

5th. An act to permit Anna Dubord to bring certain slaves into the State of Louisiana;

6th. An act for the relief of Taylor Berry;

7th. An act to commute the pension of Lieutenant Alfred Flournoy;

8th. An act for the relief of the heirs of Johnston Blakeley;

9th. An act for the relief of Edward Evat;

10th. An act for clearing, repairing, and improving certain roads, for the purpose of facilitating the transportation of the United States' mail;—

Were severally read the first and second time, and referred; the 1st and 2d to the Committee on the Public Lands; the 3d, 4th, and 5th, to the Committee on the Judiciary; the 6th and 7th to the Committee on Private Land Claims; the 8th to the Committee on Naval Affairs; the 9th to the Committee of Claims; and the 10th to the Committee on the Post Office and Post Roads.

The bill from the Senate, entitled "An act for the relief of Robert F. Stockton," was read twice, and committed to a Committee of the whole House to-day.

The resolution from the Senate, "granting to the Washington Library a copy of the public Documents, Laws, and Journals," was read twice, and referred to the Committee on the Library.

The bill from the Senate, entitled "An act to establish an additional land office in the State of Missouri," was read the third time, and passed.

An engrossed bill, entitled "An act for the relief of John Jenkins," was read the third time, and passed. [This bill, having passed within the three last days of the session, could not be received by the Senate, in consequence of the operation of a joint rule.]

An engrossed bill for the relief of William T. Nimmo, was read the third time; and, on motion, it was ordered that it be laid on the table.

The bill from the Senate extending the time for

locating Virginia Military Land Warrants and returning surveys, was read twice, and, being amended, was ordered to a third reading, and afterwards finally passed.

A bill from the Senate to alter the times of holding the District Court of the United States in Kentucky, was read twice, and ordered to a third reading to-day, and afterwards finally passed.

SUPPRESSION OF THE SLAVE TRADE.

Mr. MERCER called for the consideration of the following resolution:

Resolved, That the President of the United States be requested to enter upon, and to prosecute from time to time, such negotiations with the several maritime Powers of Europe and America, as he may deem expedient for the effectual abolition of the African slave trade, and its ultimate denunciation, as piracy, under the law of nations, by the consent of the civilized world.

Mr. M. prefaced his motion to take up this resolution, submitted by him to the House on a former day, by stating that, notwithstanding the advanced stage of the session, he laid claim to the indulgence of the House, for a consideration of the resolution which had been just read, on the ground that he had forborne to urge its consideration until that portion of the public business had been disposed of, which, requiring the co-operation of the two Houses, could not, by their new rule, be transacted after the last evening. He trusted that the House would regard this appeal to their favor, as deriving some support from the recollection that he had abstained from any participation in debate upon many interesting topics which occupied their attention at an earlier period of the session. Were it allowable, on a motion take up a resolution, to enter upon its merits, he would venture to say, that a more important question, whether regard be had to the policy, the justice, or the humanity of the nation, had not been presented to the deliberation of the House, than that which was involved in the resolution that he now asked the House to consider, and to dispose of according to their wisdom.

The House having agreed to consider it, Mr. M. proceeded to say, in substance, as follows: After experiencing the indulgence of the House, I shall avoid trespassing on their patience, by confining my argument, in support of the resolution, to the narrowest compass. The commerce which this resolution seeks to suppress, by a combination of the moral and physical power of the civilized world, has been declared, many years ago, by a convention of the principal Powers of Europe, to be the disgrace of that continent, and the scourge and calamity of Africa.

The Government of the United States prohibited it as soon as it had acquired Constitutional power to do so; and, by a succession of laws, increasing in severity, three years ago denounced it as piracy. The report of the committee to the House of Representatives, which accompanied the bill to this effect, in the first session of the Sixteenth Congress, borrowing the language of the memorable Congress of Vienna, pronounced this trade to be the scourge of Africa, the disgrace and affliction of both Europe and America. Yet the papers lying before me disclose the melancholy fact, that, notwithstanding the active and zealous efforts of Great Britain and America, to suppress this iniquitous traffic, seconded, as those efforts had been, by the treaties of the former with three of the principal maritime Powers of Europe, the African slave trade continues to spread its ravages over that much injured continent; increasing annually both in extent and malignity. Since this trade has been condemned by the moral feelings of all Christendom, it has fallen into the hands of the most daring and hardened adventurers. Shielded from search, by the maxims of public law, no efforts of the maritime power of England and America can overtake or punish them. So long as the right of common search and punishment is withheld, so long may the flag of a single State cover this detestable commerce. Indeed, the partial restraints now imposed upon this traffic, by enhancing its profit and its danger, serve only to whet the cupidity of avarice, and to augment the sufferings of its victims. The heart recoils with horror from the narratives of cruelty and guilt recounted in the volumes before me. From two African rivers—the Bonny and the Calabar—both emptying into the Atlantic, north of the line, from a very small portion of an extensive coast, to the whole of which the slave trade has been interdicted, by the united voice of all Europe, two hundred and fifty cargoes of human beings have been transported in a single year! Of these one third are supposed to have perished in the middle passage! The mixed commission courts of Great Britain and her allies have not, from their first institution down to the present period, pronounced more than twenty sentences of condemnation on the numerous vessels engaged in this traffic; and the court established at the great slave mart of Cuba, not one!

Mr. Speaker, the volumes before me abound with unquestionable evidence of the deplorable extent to which these horrible cargoes are smuggled into our Southern States. This evidence consists of numerous letters from the custom-house officers of the United States, the faithful though ineffectual agents of our laws for the exclusion of this forbidden, impolitic, and guilty commerce. Their testimony is confirmed, in my knowledge as it must be in that of an honorable colleague of mine in my eye, (Mr. FLOYD,) by what another honorable member, now a Minister abroad, (Mr. Middleton, of South Carolina,) declared five years ago to be his belief, that not less than thirteen thousand African negroes were annually smuggled into the Southern States. Within a few days past I have been informed, by the highly respectable representative of the most remote of those States (Mr. JOHNSTON, of Louisiana,) that numerous instances have more recently occurred of the illicit introduction of this population, through Galveston, and the adjacent shores, into the Territory of Louisiana. If the United States, and especially the Southern States of this Union, were exposed to the hazard of having their settled and salutary

policy baffled by the cupidity of these daring adventurers, before the recent acquisition of Florida, how greatly is that hazard augmented by a seacoast, without inhabitants, of great extent, bordered by numerous islands, indented by many commodious inlets, and immediately opposite to the great slave market of the West Indies. To guard a coast like this, whole squadrons of revenue cutters, and armies of custom-house officers, would prove ineffectual. An hour or two, or at most a single night, suffices to perfect one of these iniquitous enterprises. The unfortunate captives are landed, conveyed into the interior, and "no mention of them more is made." They are consigned to hereditary slavery; and to the desolation of the country from which they have been torn, is added the curse of that which receives them.

Sir, said Mr. M., the United States cannot be insensible of the danger of inundating, with new floods of black population, not only the extensive and numerous islands on their southern border, but their own territory. A danger greatly enhanced by the rapid increase, in their own bosom, of a third caste, midway between the slave and the white population of the South, and alike pernicious to the happiness of both. As I advance, said Mr. M., new views of the malignity of this growing evil crowd upon my imagination, and I perceive it to be necessary to recollect the pledge with which I sat out in this argument. I will but add, that it is not less the interest of the European colonies in the West Indies, than our own, to arrest this cruel, this unnecessary traffic. Wherever it has been partially suspended, as in the United States, and the British West Indies, this species of labor, fostered by better treatment, multiplied but too rapidly by its natural resources; while in the island of Guadaloupe, a census lately repeated, after a short interval of ten years, affords the horrible result, that, of a population of little more than one hundred thousand, notwithstanding all the accessions from foreign importation, there has been a declension of fifteen thousand souls! A fact, which must sound an audible appeal to the humanity of the hardest heart.

Having seen that the root of all these calamities cannot be eradicated by the means which have been hitherto employed, either by others, or ourselves; that our own flag has disappeared from the African coast, only to give place to that of other nations, by whom this trade is alike forbidden; that the occasional vessel which we despatch for that desolated land, carries with it, under the late instructions of our Government, no authority competent to the execution of our own purpose; and that no measure of an internal policy can shield us from that share of the general calamity resulting from this traffic, which falls peculiarly on our own country; allow me, said Mr. M., to invite the earnest attention of the House to the remedy provided by the resolution which I have presumed to propose.

Let the African slave trade be denounced to be piracy under the law of nations by the consent of the maritime Powers of Europe and America, and this species of piracy will, like any other, speedily disappear from the surface of the ocean. All nations will have authority to detect, to punish it, to hunt it down.

I am aware, sir, that technical objections have been urged, and sneers have been indulged against the legal accuracy of the application of the term piracy to this offence. Such criticism has no sound reason to sustain it. The law of nations is in part natural; in part conventional. Its only sanction is to be found in the physical force, its legal authority in the express or tacit consent of nations. The consent of nations may make piracy of any offence upon the high seas. In seeking a denomination for a new crime, it is not necessary to invent a new term. The object of classing the prohibited act under an old title, is to provide for the former a definite and competent remedy. Piracy, under the law of nations, is alike understood, and punished by all nations. But, sir, is there no analogy between the African slave trade, and the offence of piracy, which would warrant the proposed classification of the former crime under the latter title? It may sometimes prove a difficult task, amidst conflicting authorities, to say what is not piracy; but it cannot be difficult to determine what it is.

It is robbery, on the high seas, without a lawful commission from any recognised authority, to take forcibly from a vessel, without color of law, a single package of goods? And is it not robbery to seize, not the property of the man, but the man himself; to chain him down, with hundreds of his fellows, in the pestilential hold of a slave ship, in order, if he chance to survive the voyage, to sell him to some foreign master; to consign him, and not himself only, but his latest posterity, to hereditary slavery in an unknown joyless land? By a former law, almost coeval with our present constitution of government, we made murder on the high seas piracy. Kill a man by poisoning the air he breathes—is it not murder, as truly as to kill him by poisoned food, or by planting a dagger in his heart? Is it not, indeed, to kill with the aggravated horror of a slow and loathsome death? It is robbery, combined with murder. This crime, begun on a barbarous shore, claimed by no civilized State, and subject to no moral law, is prosecuted to its consummation, on the high seas. Every day, every hour of such a voyage of iniquity, furnishes a fresh instance of the crime.

Search the etymology of this term, and nothing restricts piracy to mere injuries of the rights of property, or limits its commission to a certain distance from any foreign shore. According to the most remote antiquity, the first pirates were stealers of men; and, for the very purpose which now carries the African slave dealer to that continent which his crimes have so often imbued with human blood, to enslave and sell his spoil. From the shores of the Mediterranean, this piracy spread along the Atlantic, and finally encircled Africa and her islands, within its iron grasp. From the very history of this species of piracy, it may be confidently inferred, that, when once suppressed it cannot be revived. Other piracies have their origin in transient disorders in the world. They

cease and reappear again. This is a remnant of ancient barbarism—a curse extended to the new world by the colonial policy of the old. Let Africa but once freight with the fruits of her soil those ships which now carry thither scourges and fetters, and she will not sell her offspring. Let all Christendom proclaim the slave trade to be piracy, and you will shortly revolutionize the moral sentiment of the few States, who now seem, not by their professions, indeed, but their conduct, to tolerate this crime. Public sentiment and law act reciprocally on each other. Has not the denunciation of the African slave trade, as piracy, by the act of the last Congress, done much towards the entire abolition of that portion of this traffic which then lingered in America?

The time is not very remote, when men of high standing in our country openly and unblushingly prosecuted this profitable commerce. Is there now remaining a single man in America, who would brave the public sentiment, not to speak of the public justice, by avowing himself a participant in this guilty traffic?

Sir, said Mr. M., the present period is most propitious for the success of the experiment I have presumed to recommend to the sanction of the House and the nation. South America furnished, and Brazil yet affords, an extensive market for African slaves. Two years only have elapsed since this House pledged itself to sustain the Executive in a recognition of the independence of the Spanish American provinces now the States of Mexico, Colombia, Buenos Ayres, Chili, and Peru. During our present session, the Executive has deputed Ministers to the several Governments of these new-born empires. The instructions of these Ministers, it may be presumed, are now preparing, and if among them there shall be comprehended this resolution, sustained, as I trust it will be, by the approving voice of this House, will those Governments deny to us the small boon we ask of them, humanity and justice, in return for our recognition of their sovereignty? They have all, possibly, with the exception of Peru, followed the example of the United States, by abolishing this trade. They will undoubtedly seize the first occasion to propitiate the good will, not of America merely, but of all Christendom, towards their infant cause.

Brazil, the great slave mart, which has so long withheld Portugal from a cordial union with England in the abolition of the slave trade, is also a candidate for independence; and it may be confidently hoped that another year will afford sufficient evidence of her ability to sustain it. Should she, in like manner with her neighbors, yield her support to our policy, much will have been achieved for the success of the object of this resolution.

The Cortes of regenerated Spain have recently signalized their humanity by annexing penalties to the slave trade, next in severity to those denounced against that offence by Great Britain and America. Portugal, severed from Brazil, will probably tread in her steps, when urged to it by England, her ally and protector.

The Government of France, where public sentiment derives activity and force from an enlightened, generous, and high-minded people, will not much longer temporize with the plighted faith of treaties, and her acknowledged sense of moral and religious obligation.

The maritime Powers of the North early ceased to participate in this criminal traffic, and have acknowledged the duty, devolved on Europe, of rendering retributive justice to Africa, so long the victim of a cruel and mistaken policy.

On the northern shores of the Mediterranean, there is no State, except those which I have named, whose colonial policy requires the labor of Africa to sustain it.

What the United States may hope to effect in the New World, it must be left to England to accomplish in the old, where her influence is predominant; and continued peace yet favors every effort of humanity to improve the condition of our race. Great Britain cannot but perceive the inefficacy of those mixed courts on which she has relied to give effect to her laws and treaties for the abolition of the slave trade, and, above all, that her present system, complicated and difficult of execution in peace, must be exposed to great derangement, if not abandoned, in war. She cannot but prefer to it the substitute offered by our resolution, which is in its character as simple, as it must prove in its operation effective; and which will endure until its purpose, the entire abolition of the African slave trade, is accomplished.

In concluding, said Mr. M., I perceive, Mr. Speaker, that I have omitted much of what I had intended to say; and what I have uttered, with a feeble voice, under circumstances which greatly tended to impede my thoughts, as well as my speech, has, I fear, done but little justice to the noblest theme that ever engaged an advocate.

Should this resolution fail, it will be a source of deep and lasting regret to me that I have ventured to submit it to the judgment of the House. I call, therefore, upon my friends from Massachusetts and Pennsylvania, and upon my colleagues, (Messrs. Gorham, Hemphill, and Floyd,) who have hitherto co-operated with me in this sacred cause, not to allow it to sink, through my inability to sustain it. I implore the humanity of this House to uphold it; I demand it of their justice.

When Mr. Mercer had concluded—

Mr. Woodson moved to lay the resolution on the table.

On this motion, Mr. Mercer called for the yeas and nays; and this call was sustained.

Mr. Woodson, then, at the suggestion of a gentleman sitting near him, modified his motion so as to move to postpone the further consideration of the motion until Monday next.

Mr. Hooks moved to lay the resolution on the table—a motion which has precedence and which precludes debate.

The question was taken on the motion to lay it on the table, and negatived—yeas 25, nays 104.

The motion to postpone the further considera-

ion of the resolution was renewed; and on the question to agree thereto, it was determined in the negative.

Mr. WRIGHT said he rose to aid his honorable friend from Virginia, Mr. MERCER, in his noble effort to put a stop to the African slave trade, that odious blot on all the nations concerned in it. It will be recollected, said Mr. W., that at the commencement of the present session, I insisted that that part of the President's Message that related to the African slave trade, should be referred to a select committee, with directions to make an early report, that the subject might be brought before us in a tangible shape. This resolution goes to request the President to endeavor to effect, by negotiation, this great object; and, by a convention with the nations that can be induced to agree to it, to make it piracy, as we have done. Although, sir, this resolution authorizes the President to adopt any measure necessary to effect the object, I feel it due to the Administration, who feel a delicacy on the subject of the right of search, to propose to add to the resolution—"and that we agree to a qualified right of search." Sir, this Congress ought, by the adoption of this amendment, to take upon themselves the responsibility of this measure, by their positive opinion, and leave it no longer a subject of doubt what is the will of the American people. Sir, with what pride do we look back on ourselves, even to the commencement of the Government, when, by an article in that hallowed instrument, we agreed to prohibit this immoral traffic, after the year 1808; and with what pleasure have we seen the Governments of Europe adopting our philanthropic policy, and treading in our footsteps; and let me ask, what must be the feelings of those patriots who have examined this subject, and have seen our Government retiring from this qualified right of search, the only possible means, in my judgment, to effect the object? This, sir, has been agreed to by several of the Powers of Europe, not less tenacious of their rights than we are, but our Government, recollecting the claims of Great Britain to impressment, have feared some collision might arise in the exercise of this right, and have as yet declined it. I therefore feel anxious that we should take on us that responsibility.

Sir, it must be recollected that eighty thousand Africans are annually victimated to bondage, and they and their offspring consigned to endless slavery; and that two hundred free blacks, on the river Sierra Leone, have been captured and sent into slavery, although sent there to be governed by themselves; and it is said that fifteen thousand annually are smuggled into the Southern States directly or through the Spanish provinces. This, sir, is the horrid practice of the case; and two several committees of this House have, at the last session and at the session preceding it, reported that "The President of the United States be requested to enter into such arrangements as he may deem suitable and proper with one or more of the maritime Powers of Europe, for the effectual abolition of the African slave trade." This resolution was proposed in the session ending 4th March, 1821. Here let me ask your attention to the Edinburgh Review, of October, 1821, page 50. "The immortal honor which the Americans have gained by their former exertions against the African slave trade, augmented by their recent enactments, classing it among piratical offences, will soon, as it now appears, be consummated, by their accession to the principle for which we have been contending.

"A report lies before us from a committee of Congress upon this point, and nothing can be more judicious or more enlightened. The committee begin with showing "that a mutual right of search is indispensable to the great object of abolition," as affording the only security against our slave traders taking refuge under the flag of any one Power less vigilant than the rest, in executing its abolition laws. They then advert to the prejudices existing in America against this right, founded upon "the opinions entertained respecting the practice of searching neutral vessels in time of war," and they deny that the two kinds of search are, "in principle, in any degree, allied;" and most justly observe, that the unqualified admission of England, that no right, whatever, at present, exists, of searching, in time of peace; an admission, both founded on the decisions of our prize courts, and evinced by the negotiation itself, ought, at once, to remove the principal objections against the new arrangements contended for. They put the matter upon a plain and impartial ground, when they add, that the question simply is, "whether such an agreement will be 'beneficial to the two nations; and, they truly add, 'that all inconvenience from detention of vessels 'will be precluded, by limiting the right of seizure 'alone to ships having slaves actually on board."

I have quoted so much of the Review upon this subject, nor can I refrain from expressing my entire approbation of their sentiments. The report of the last session is substantially the same, and I should have hoped would have had the desired effect on the Administration. However, I trust that this resolution will induce them to adopt such arrangements as may be deemed most effectual to put a stop to this disgraceful traffic, and fulfil the best wishes of the American people. The idea that this measure may lead to any contention between the contracting Powers, I think is not well founded; but, should this be the case, we have nothing to fear, and I hope and trust that no honorable member will ever be influenced by such an unmanly principle; but, that our Government will listen to the voice of distressed humanity, and unite with the Powers of Europe in a qualified search, as proposed by Lord Castlereagh in his noble agency for the suppression of the African slave trade.

Mr. WRIGHT's amendment having been rejected—

Mr. BURROWS, of Connecticut, required the previous question, and in this call he was sustained by a majority of the members. The previous question was put and carried; and then,

The main question (on agreeing to the resolu-

tion, as above stated) was taken by yeas and nays, and decided as follows:

YEAS—Messrs. Abbot, Allen of Massachusetts, Allen of Tennessee, Barber of Ohio, Bassett, Bateman, Bigelow, Borland, Breckenridge, Brown, Buchanan, Burrows, Cambreleng, Campbell of New York, Campbell of Ohio, Carter, Cassedy, Chambers, Colden, Condict, Conkling, Cook, Crafts, Cushman, Dane, Darlington, Denison, Dickinson, Durfee, Dwight, Eddy, Edwards of Connecticut, Edwards of Pennsylvania, Farrelly, Findlay, Forward, Fuller, Gebhard, Gist, Gorham, Govan, Hamilton, Hardin, Hemphill, Herrick, Hill, Hobart, Holcombe, Hubbard, Ingham, Jackson, Jennings, J. S. Johnston, Jones of Tennessee, Kent, Kirkland, Lathrop, Leftwich, Lincoln, Litchfield, Little, McCarty, McCoy, McDuffie, McKim, McLane, McNeill, McSherry, Matlack, Matson, Mattocks, Mercer, Metcalfe, Mitchell of Pennsylvania, Moore of Virginia, Moore of Alabama, Morgan, Murray, Neale, Nelson of Massachueetts, Newton, Patterson of New York, Patterson of Pennsylvania, Phillips, Pierson, Pitcher, Plumer of New Hampshire, Plumer of Pennsylvania, Poinsett, Reed of Massachusetts, Reid of Georgia, Rhea, Rich, Rochester, Rodney, Ross, Ruggles, Russ, Scott, Sergeant, Sloane, Arthur Smith, Alexander Smyth, W. Smith, J. S. Smith, Sterling of New York, A. Stevenson, J. Stephenson, Stoddard, Swan, Taylor, Thompson, Tod, Tomlinson, Tracy, Udree, Upham, Vance, Van Rensselaer, Van Wyck, Walworth, Warfield, Whipple, White, Williams of Virginia, Williams of North Carolina, Williamson, Wilson, Wood, Woodson, and Wright—131.

NAYS—Messrs. Alexander, Ball, Burton, Edwards of North Carolina, Floyd, Hall, Hooks, Rankin, and Tattnall—9.

LIGHTHOUSES, &c.

The House, then, on motion of Mr. BRECKENRIDGE, resolved itself into a Committee of the Whole on the state of the Union, Mr. HILL in the Chair.

The Committee took up, on the motion of Mr. NEWTON, the bill for erecting certain lighthouses, and constructing certain light-vessels, beacons, &c.

Mr. COCKE moved to strike out the enacting clause, to determine whether the House would go on to expend more money at this time on objects of this description.

Against this motion, Mr. NEWTON, Mr. CAMBRELENG, and Mr. SERGEANT, protested, asserted the value of these aids to navigation, and denied that the expenditure upon these objects had even nearly equalled the amount of tonnage and light-money specially levied and collected for these purposes.

The motion of Mr. COCKE was negatived by a large majority.

Mr. FARRELLY moved to amend the bill by inserting an appropriation of one hundred and fifty dollars, to enable the President to cause to be examined the mouth of the harbor of Presque isle, on Lake Erie, and spoke for some time in support of the motion. The amendment was agreed to.

The Committee having gone through this bill—

The Committee took up the bill from the Senate to establish a national armory on the Western waters.

Mr. Ross moved to amend the bill by requiring an engineer, which the bill contemplates creating, to examine and report an eligible site for the erection of a national armory, to report to Congress, instead of to the President of the United States, as provided by the bill.

A good deal of debate took place on this amendment. Mr. WOOD, Mr. CAMPBELL, of Ohio, Mr. COCKE, Mr. WALWORTH, and Mr. MCCOY, supporting the amendment, and Mr. BRECKENRIDGE, Mr. COOK, Mr. JOHNSTON, of Louisiana, Mr. RHEA, and Mr. JACKSON, opposing it.

On the question to agree to the amendment, it was determined in the affirmative.

Mr. Ross then moved to strike out of the bill the sum of $25,000, and insert, in lieu thereof, $5,000; which motion was agreed to.

After some further debate, the Committee rose.

The first of the above two bills, amended in the Committee, was agreed to in the House, and was read a third time, and passed.

Some debate occurred on the amendment, agreed to in Committee, to the bill to establish an armory on the Western waters. Mr. BRECKENRIDGE and Mr. FORWARD opposed the amendment, and Mr. JONES, of Tennessee, and Mr. VANCE, supported it.

The question on concurring was then put, and decided in the affirmative.

The House adjourned, at half-past five.

SATURDAY, March 1.

Mr. ALLEN, of Massachusetts, from the Committee of Accounts, made a report in relation to the state of the contingent fund of the House of Representatives, under the administration of the late Clerk, as to advances to contractors, deposites of money in banks, &c. From this report, it appears, that advances have been occasionally made to the printers and other contractors for the House, on claims accruing for work performed; that nothing is due from the printers on account of these advances; and that, though the account of the deceased Clerk is yet unsettled at the Treasury, no loss will be sustained by the United States on the final settlement of his accounts. The report was read, and ordered to lie on the table.

Mr. CAMPBELL, of Ohio, from the Committee on Private Land Claims, to which was referred the bill from the Senate, entitled "An act to commute the pension heretofore granted to Lieutenant Alfred Flournoy," reported that the committee had considered the said bill, and directed him to report the same without amendment, with a recommendation that it be postponed indefinitely. The question was then taken on the postponement, and passed in the affirmative.

The resolution, moved yesterday by Mr. CONDICT, for calling on the Postmaster General to report a sytem of equitable compensation to postmasters, in proportion to the nature of their duties, was taken up, and agreed to.

Mr. PLUMER, from the Committee on the Judiciary, to which was referred the bill from the Senate, entitled "An act to continue in force the act,

entitled 'An act to provide for reports of the decisions of the Supreme Court,' passed the 3d of March, 1817," reported the same, with an amendment, which was concurred in by the House, and the amendment ordered to be engrossed, and the bill read a third time to-day.

Mr. PLUMER, from the same committee, to which was also referred the bill from the Senate, entitled "An act for the punishment of frauds committed on the Government of the United States," reported the same with an amendment; which was read, and agreed to by the House, and the amendment ordered to be engrossed, and the bill read a third time to-day.

Mr. RANKIN, from the Committee on the Public Lands, to which was referred the bill from the Senate, entitled "An act supplementary to the act, entitled 'An act to designate the boundaries of districts, and establish land offices for the disposal of the public lands not heretofore offered for sale in the States of Ohio and Indiana," reported the same without amendment; and the bill was ordered to be read a third time to-day.

Mr. WILLIAMS, of North Carolina, from the Committee of Claims, to which was referred the bill from the Senate, entitled "An act for the relief of Edward Evat," reported the same, with an amendment; and the bill was committed to a Committee of the whole House to-day.

Mr. SCOTT, from the Committee on the Public Lands, to which was committed the bill from the Senate, entitled "An act to enable the proper accounting officers of the Treasury Department to audit and settle the accounts of the surveyor of public lands in the States of Illinois and Missouri, and Territory of Arkansas," reported the same without amendment; and the bill was committed to a Committee of the whole House to-day.

Mr. FULLER, from the Committee on Naval Affairs, to whom was referred a resolution in behalf of the widow of Lieutenant Elbert, late of the Navy of the United States, made a report; whereupon, it was resolved that it is inexpedient to provide by law for the case of Mrs. Elbert, except by a general act, comprehending all in similar circumstances.

Mr. HOOKS, from the Committee on the Post Office and Post Roads, to which was referred the bill from the Senate, entitled "An act for clearing and improving certain roads, for the purpose of facilitating the transportation of the United States mail," reported the same without amendment; and the bill was committed to a Committee of the whole House to-day.

Mr. PLUMER, from the Committee on the Judiciary, to which was referred the bill from the Senate entitled "An act to permit Anna Dubord to bring certain slaves into the State of Louisiana," reported the same without amendment, and the bill was ordered to lie on the table.

Mr. WHIPPLE, from the joint Library Committee, to which was referred the resolution from the Senate "granting to the Washington library a copy of the public documents, laws, and journals," reported the same without amendment, and it was ordered to be read a third time to-day.

The bill for the relief of the heirs of Captain Johnston Blakeley, being under consideration, Mr. WALWORTH moved to insert an amendment for allowing a pension to Lydia Allen, the unmarried sister of the late Lieutenant William H. Allen. After some debate, the previous question was required and carried, which precluded the amendment and in effect rejected it. The main objection to it was the entire novelty of pensioning the sister of a deceased officer, the case being without a precedent.

On motion of Mr. FLOYD, the committee of investigation respecting the sale of city lots, and the expenditure of the proceeds of such sales, &c., were discharged from the further consideration of the subject.

Mr. COCKE submitted the following resolution, viz:

Resolved, That the President of the United States be requested to report to this House, at its next session, the number and position of the permanent fortifications which have been, or are now, erecting for the defence of the coast, harbors, and frontiers, of the United States, distinguishing those on the seacoast in one class, and those on each frontier in like classes; and showing, under proper heads, the State in which each is situated, when begun, and when finished, with the magnitude of each, if known; the aggregate amount expended in erecting such as are completed; the amount of repairs since made; the amount expended on those now erecting, and the estimates to complete the same; to be made out by referring to the work actually done, and to be done, and not by merely subtracting the sums actually expended from the estimates formerly made; the number of guns, of every calibre, for each fortification; the total cost of a complete armament for each; the force required to garrison each in time of peace; the same in time of war; noting those actually occupied, and with what force.

The said resolution was read, and the rule requiring it to lie on the table one day for consideration being dispensed with, the question was taken to agree to the same, and passed in the affirmative.

Mr. GARNETT submitted the following resolutions, which were read, and laid on the table one day, under the rule:

1. *Resolved*, That the Secretary of the Treasury be directed to lay before the House of Representatives, during the first week of its next session, the amount of money received, or receivable, in each State, on account of Revolutionary pensions; the amount of interest received, or receivable, in each State, on the public debt; the amount of dividends paid, or payable, in each State, by the Bank of the United States; and the amount of expense on account of the Academy at West Point; all in reference to the year 1823.

2. *Resolved*, That the Secretary of State be directed to lay before the House of Representatives, during the first week of its next session, a list of the factories in each State employed in manufacturing, for sale, such articles as would be liable to duties if imported from foreign countries; the said list to be extracted from the Digest of Manufactures, and such other sources of information as he possesses or can obtain; and to specify, as far as possible, the capital of each factory, and whether it is incorporated or not by State laws.

3. *Resolved,* That the Secretary of War be requested to lay before the House of Representatives, during the first week of its next session, the number of Revolutionary pensioners, in each State, then on the pension list.

Mr. Cocke moved that the House do come to the following resolution, viz:

Resolved, That the Postmaster of the House of Representatives be appointed in the same manner as the other officers of this House are appointed, whose compensation shall not exceed that of the lowest officer thereof; to commence from and after the end of the present session, and to be paid by the Clerk out of the contingent fund.

The said resolution was ordered to lie on the table.

Mr. Johnston, of Louisiana, submitted the following resolution:

Resolved, That the Secretary of the Treasury cause to be ascertained, during the present year, the limits and extent of a title granted by the Spanish Government to John Filhiol, in the parish of Ouachita, and State of Louisiana, and report the same to this House at the next session of Congress.

The said resolution was read, and the rule requiring it to lie on the table one day for consideration being dispensed with, the question was taken to agree to the same, and passed in the affirmative.

The Committee of the whole House to which is committed the bill from the Senate, entitled "An act granting to the State of Alabama the right of pre-emption to certain quarter sections of land," were discharged from the further consideration thereof.

The House proceeded to consider the said bill, and, having amended the same, ordered the amendment to be engrossed, and the bill to be read a third time to-day.

The House proceeded to consider the report of the Committee on Foreign Affairs, to which was referred an act of the Parliament of Great Britain, passed the 5th of August, 1822, with a resolution, instructing said committee to inquire whether the said act violates any right of the United States: and the resolution therein submitted being read, was, on the question being put thereon, agreed to by the House, as follows:

Resolved, That the subject be referred to the President of the United States, and that he be requested to obtain, by negotiation with the Government of Great Britain, such modifications of the act of Parliament of Great Britain, of the 5th August, 1822, as may remove all just cause of complaint.

A message from the Senate informed the House that the Senate have passed bills of this House of the following titles, to wit: An act making appropriations for the support of Government for the year 1823; An act for the better organization of the district court of the United States within the district of Louisiana; An act for the relief of Richard Hightower; An act to amend an act, entitled "An act further to regulate the entry of merchandise imported into the United States from any adjacent territory;" An act making appropriations for the support of the Navy of the United States, for the year 1823; and an act vesting in the State of Virginia the right of the United States to all fines assessed for non-performance of militia duty, during the late war with Great Britain, within said State; with amendments to each, in which the Senate ask the concurrence of this House.

The Speaker laid before the House a report from the Secretary of the Treasury, accompanied by sundry documents, prepared in obedience to the resolution adopted, on motion of Mr. Cook, on the 8th day of May, 1822, directing him to prepare and lay before this House, "a statement showing the amount of money which appears to have stood to the credit of the United States, or its Treasurer, in every bank in which the public money has been deposited, at the end of each quarter since the first day of January, 1817; distinguishing between special and general deposites; a particular and minute account of each transfer of the public money from one bank to another, which has been made within the aforesaid period, and the reasons and motives for making the same; a detailed account of the special deposites that have been made in any of the banks; the time when made; the description of the notes so deposited, and the reason for making the same; together with any contract or contracts under which those deposites were made," which report and statements were ordered to lie on the table.

Bills from the Senate, of the following titles to wit: An act to continue in force an act, entitled, "An act to provide for reports of decisions of the Supreme Court," passed 3d March, 1817, with an amendment; An act supplementary to the act, entitled "An act to designate the boundaries of districts, and establish land offices for the disposal of the public lands not heretofore offered for sale, in the States of Ohio and Indiana; An act to establish a national armory on the Western waters, with amendments; and An act for the relief of the heirs of Johnston Blakeley; were severally read the third time, and passed.

The resolution from the Senate, "granting to the Washington Library a copy of the public documents, laws, and journals," was also read the third time, and passed.

The amendments proposed by the Senate to the bill, entitled "An act making appropriations for the support of Government, for the year 1823," were read, and committed to the Committee of the whole House on the state of the Union.

The amendments proposed by the Senate to the bill, entitled "An act vesting in the State of Virginia the right of the United States to all fines assessed for non-performance of militia duty, during the late war with Great Britain, within said State," were read, and concurred in by the House.

The amendments proposed by the Senate to the bill, entitled "An act making appropriations for the support of the Navy, for the year 1823," were read, and concurred in by the House.

The amendments proposed by the Senate to the bill, entitled "An act to amend an act, entitled An act further to regulate the entry of merchandise imported into the United States from any

adjacent territory," were read, and concurred in by the House.

The amendment proposed by the Senate to the bill, entitled "An act for the better organization of the district court of the United States, within the District of Louisiana," was read, and concurred in by the House.

The amendment proposed by the Senate to the bill, entitled "An act for the relief of Richard Hightower," was read and concurred in by the House.

A message from the Senate informed the House that the Senate have passed the bill of this House entitled "An act making appropriations for the military service of the United States, for the year 1823," with amendments, in which the Senate ask the concurrence of this House.

The said amendments were read and committed to the Committee of the whole House on the state of the Union.

The House resolved itself into a Committee of the whole House on the state of the Union; and, after some time spent therein, the Committee rose, and reported their agreement to the amendments proposed by the Senate to the bill, entitled "An act making appropriations for the support of Government, for the year 1823," with an amendment; also, their agreement to the one, and their disagreement to the other, of the amendments proposed by the Senate to the bill, entitled "An act making appropriations for the military service of the United States," for the year 1823."

The House proceeded to consider the report of the Committee of the Whole on the state of the Union; whereupon, it was

Resolved, That they do concur in the amendments proposed by the Senate to the bill, entitled "An act making appropriations for the support of Government, for the year 1823," with amendments; and that they do concur in the first, and disagree to the second, of the amendments proposed by the Senate to the bill, entitled "An act making appropriations for the military service of the United States, for the year 1823."

The bill from the Senate, entitled "An act for the punishment of frauds committed on the Government of the United States," was read the third time, and passed as amended.

The House resolved itself into a Committee of the Whole on bills from the Senate of the following titles, viz: "An act for the relief of the representatives of John Donelson, Thomas Carr, and others;" "An act for the relief of Eleanor Lawrence;" and, "An act for the relief of Joshua Russell;" which were reported without amendment, and the bill for the relief of the representatives of John Donelson, Thomas Carr, and others, were laid on the table.

The House resolved itself into a Committee of the Whole, on bills from the Senate, of the following titles, to wit: An act for the relief of the heirs and representatives of Alexander Montgomery, deceased; An act for the relief of Samuel H. Walley and Henry G. Foster; An act for the relief of Jacob Babbit; An act for the relief of John Byers; and an act for the relief of Ebenezer Stevens, and others; which bills were all reported, with amendments to the first mentioned.

The House proceeded to consider the said bills: whereupon the bill for the relief of Samuel H. Walley and Henry G. Foster, and the bill for the relief of Jacob Babbit, were severally laid on the table.

The bill for the relief of Ebenezer Stevens, and others, was then amended, at the Clerk's table, and the amendment was ordered to be engrossed, and the bill read a third time to-day.

The bill for the relief of John Byers, was ordered to be read a third time to-day.

The amendments reported to the bill for the relief of the heirs and representatives of Alexander Montgomery, deceased, were read, and concurred in by the House; and the amendments were ordered to be engrossed, and the bill read a third time to-day.

On motion of Mr. CAMPBELL, of Ohio, the Clerk of the House was directed to employ as many clerks as may be necessary to complete the enrollment of the bills, within a reasonable time, and to pay them out of the contingent fund of this House.

The House resolved itself into a Committee of the Whole on the bills of the Senate, of the following titles, viz: An act for the relief of Daniel Seward; An act for the relief of Robert Purdy; An act for the relief of Amos Nichols; and An act for the relief of the legal representatives of James McClung, deceased; all of which were reported without amendment, and ordered to be severally read a third time to-day.

Bills from the Senate, of the following titles: An act for the relief of Eleanor Lawrence; An act for the relief of Joshua Russell; An act for the relief of Ebenezer Stevens and others, with an amendment; An act for the relief of John Byers; An act for the relief of Robert Purdy; An act for the relief of the legal representatives of James McClung, deceased; An act for the relief of Daniel Seward; An act granting to the State of Alabama the right of pre-emption to certain quarter sections of land, with amendments; and An act for the relief of Amos Nichols; were severally read a third time, and passed.

The House resolved itself into a Committee of the whole House on bills from the Senate, of the following titles, viz: An act for the relief of Samuel Walker and others; An act for the relief of the heirs of Joseph Wilcox; An act for the relief of Alexander Humphrey and Sylvester Humphrey; An act for the relief of Samuel Hodgdon; An act for the relief of James Morrison; An act for the relief of Robert F. Stockton; An act for the relief of Edward Evat; and An act to enable the proper accounting officers of the Treasury Department to audit and settle the accounts of the Surveyor of Public Lands in the States of Illinois, Missouri, and Territory of Arkansas. The bill for the relief of Edward Evat was reported with an amendment; and the residue of said bills without amendment.

The House proceeded to consider the said bills: whereupon, the amendment to the bill for the relief of Edward Evat was read, and concurred in

by the House; and the amendment was ordered to be engrossed, and the bill to be read a third time to-day.

The bill for the relief of Alexander Humphrey and Sylvester Humphrey was laid on the table; and the residue of the said bills were also ordered to be read a third time to-day.

The bill "for the relief of Eleanor Lawrence," and the bill "for the relief of Joshua Russell," were ordered to be severally read a third time to-day.

INDIAN TRADING ESTABLISHMENT.

Mr. METCALFE, from the Committee on Indian Affairs, to whom was referred the President's communication and accompanying documents, relative to the execution of an act of the last session of Congress, abolishing the Indian trading establishments, made a report thereon, which was ordered to lie on the table. The report is as follows:

The Committee on Indian Affairs, to whom was referred the President's communication and accompanying documents, relative to the execution of an act of the last session, abolishing the Indian trading establishment, have had the same under consideration; and respectfully submit the following report:

In executing the act referred to, it appears that George Graham, Esq., received the appointment of superintendent, in the place of Colonel Thomas L. McKenny; and an agent has also been appointed, and sent to each of the trading-houses, with instructions to receive from the former agents all the goods, and other property on hand, and to dispose of the same, as soon as it can be done, having a due regard to the public interest.

The superintendent and agents so appointed, it is believed, are active, intelligent gentlemen, of unexceptionable character, and suitable qualifications. In turning over the merchandise and other property on hand, at the several trading-houses, into the hands of the new agents, the original invoice prices are charged to the Government. Much of the merchandise, so charged, consists of unsaleable, damaged, and worthless remnants and articles, now of little or no value. All the debts due to the factories, which have been created and not collected, by the former agents, and also the factory buildings, are charged to the Government.

A. B. Lindsley, the agent appointed to settle up the business of the trading-house at Fort Chicago, has performed that duty with fidelity, and has returned an account thereof; which is herewith presented to the House.

It will be seen that the whole amount of all the goods and other property at this establishment, at the rates at which the same has been charged to the Government, is $15,637 62. A great portion of those goods were old, unsaleable, and damaged, and, consequently, when sold, there was an average loss to the Government of about fifty-four cents to the dollar.

The whole amount of loss upon the merchandise, at that factory, is $6,968 37½. An additional loss will be sustained upon debts due the establishment, which are not likely to be collected. This is the only trading-house from which complete returns have been received. Persons who are desirous of purchasing the goods at the Red River factory, offer to pay the original cost and carriage. It is therefore believed that no loss upon the goods received at that trading-house will be sustained by the Government.

In winding up the business at the Choctaw trading-house, a very considerable loss will certainly fall upon the Government. (See Mr. Randall's Return, and remarks upon the Inventory.) From the testimony of Mr. Hersey, the former agent at that place, it appears that not more than one-third of the debts due to that establishment are likely to be collected. The whole amount of debts exceeds $12,000; and, from the description given of the wretched condition of the merchandise on hand, a great loss upon the sales thereof may be readily anticipated.

The committee do not bring into question the propriety of stating the original invoice prices of the goods, as per inventory, on the delivery thereof into the hands of the new agents; but they believe that, in a final settlement of the accounts between the Government and the former conductors of the trade, the amount actually realized, from the sales of goods and property, of every description, will be the only fair and proper charge in favor of the latter against the former, except for property, if any, destroyed by Indians, during the late war; and debts due from the Indians to the factories, and assumed by the Government.

In 1806, the amount of capital stock, actually drawn from the Treasury, including former appropriations, was $260,000. On the third of March, 1809, an act passed, allowing an additional appropriation of $40,000; making, in all, $300,000—ten thousand of which, the late superintendent states, was never drawn from the Treasury. The whole amount, therefore, or capital stock, thus vested in the Indian trade, must have been $290,000.

The law positively requires, that the "prices of goods supplied to, and to be purchased by, the Indians, shall be regulated in such manner, that the capital stock shall not be diminished."

The superintendent and his clerks, the agents and sub-agents, received annually for their services, not out of the trading fund, but directly from the Treasury, about $20,000. This sum, with the interest thereupon, and the interest upon the capital stock, which, it is believed, will be equal, in all, to between thirty and forty thousand dollars annually, is entirely lost to the Government.

The ninth section of an act of 1811, to regulate the Indian trade, provides, that the superintendent shall purchase such goods as may be required, for Indian annuities, for treaties, and for presents, and transmit the same to the proper places. And it appears, that goods furnished by the factories to Indian agents, for the purposes aforesaid, were not limited at cost and carriage, but charged to the Government, at the same rates, as if they had been sold to the Indians; say, at an advance, (according to instructions given at the factory,) of 66⅔ to 100 per cent.; and as high as fifty per cent, for goods of inferior quality; and the whole amount, so charged, actually drawn from the Treasury. This appears to be a considerable advance paid by Government for merchandise purchased with its own capital.* It is said, that the conductors of the Indian

*The advance upon goods here spoken of, was charged upon factory goods, purchased with the trading fund, and not upon those supplied by the Superintendent, under orders from the Secretary of War, for the same purposes, and paid for out of the fund appropriated for the Indian Department.

trade were generally men of integrity and honor; not deficient in talent or enterprise, or any of the requisite qualifications for discharging the duties of their respective stations. And how does it happen, that, under circumstances so advantageous to the traders, the Government should not now be able to realize a sum equal to the original capital stock, appears to be inexplicable. It is not possible for the Committee to trace the conductors of this trade through all their various operations; the manner of exchanging merchandise for furs and peltries, their purchases and sales, &c., for the purpose of ascertaining where the evil lies; an evil, the existence of which, is presented to them in a tangible form, while the cause that produced it remains undiscovered. Private traders, without salaries, or any other support from the Government, have, for many years, carried on a successful and profitable trade with the Indians; and, like the factors, it is believed, they sold for such prices as could be had; generally regulating the prices, according to the competition. Perhaps the fault may be found to exist in the system itself; and therefore, it may be useful, not only as a matter of curious history, but for the lesson it teaches to succeeding legislators. From the accompanying documents, it appears that Mr. Graham has instructed the several agents to sell off, and settle up the whole business, by the —— day of May next; and it is believed that the public interest required such delay. Beyond that date, however, it is to be hoped, that the Government will have to expend but little in settling up the accounts of the Indian trading establishment.

EXECUTIVE MESSAGES.

Two Messages were received from the PRESIDENT OF THE UNITED STATES, as follows:

To the House of Representatives of the United States:

I transmit to the House of Representatives a report from the Secretary of State, with copies of sundry papers, which should have been included among those which accompanied my Message of the 13th instant, being part of the correspondence with Great Britain, relating to the negotiation of the Convention of 20th of October, 1818, but which were accidentally omitted from the papers communicated to the House with that Message.

JAMES MONROE.

WASHINGTON, *Feb.* 28, 1823.

[For the papers accompanying this Message, see Appendix to 2d Sessions of the 14th and 15th Congresses.]

The Message was ordered to lie on the table.

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of this day, requesting information of the measures taken with regard to the illegal blockade of the ports of the Spanish Main, and to depredations of privateers fitted out from Porto Rico, and other Spanish islands, on the commerce of the United States, I transmit to the House a report from the Secretary of State, containing the information required by the resolution.

JAMES MONROE.

WASHINGTON, *March* 1, 1823.

DEPARTMENT OF STATE, *March* 1, 1823.

The Secretary of State, to whom has been referred the resolution of the House of Representatives of the United States to communicate to that House, as far as the public interest will permit, what measures have been taken to remove or annul the illegal and pretended blockade of the ports of the Spanish Main; to obtain restitution of vessels of the United States captured by privateers, fitted out in Porto Rico and other Spanish islands, under pretext of breach of the said blockade, and to prevent such illegal and unwarrantable captures hereafter; has the honor of reporting to the President that the measures, taken for the purposes described in the resolution of the House, have consisted, first, of instructions to the commanders of the armed vessels of the United States, successively stationed in the West India seas; and, secondly, of instructions to the Minister of the United States, in Spain, to make suitable representations, on these subjects, to the Spanish Government. The direct communications between the naval officers in command of the vessels of the United States, employed in that service, and the Governors of Cuba and of Porto Rico, have been frequent, and successful in obtaining the restitution of some captured vessels. Some of the vessels notorious for outrages committed by them on the commerce of the United States, have been captured and sent into the United States, and are now upon trial before the judicial tribunals. No answers have yet been received to the representations directly ordered to be made to the Government of Spain.

All which is respectfully submitted.

JOHN QUINCY ADAMS.

The Message and report were laid on the table.

And then the House adjourned until six o'clock, P. M.

Six o'clock, P. M., Saturday, March 1.

Bills from the Senate of the following titles: An act for the relief of Edward Evat, with an amendment; An act for the relief of the heirs and representatives of Alexander Montgomery, deceased, with an amendment; An act for the relief of Samuel Walker and others; An act for the relief of the heirs of Joseph Wilcox; An act for the relief of Samuel Hodgdon; An act for the relief of Robert F. Stockton; and An act to enable the proper accounting officers of the Treasury Department to audit and settle the accounts of the Surveyor of Public Lands in the States of Illinois, and Missouri, and Territory of Arkansas; were, severally read the third time, and passed.

A message from the Senate informed the House that the Senate have passed bills of this House, of the following titles, to wit: An act making appropriations for the public buildings; and An act making further appropriations for the military service of the United States, for the year 1823; with amendments; in which amendments the Senate ask the concurrence of this House.

The amendments proposed by the Senate to the bill, entitled "An act making further appropriations for the military service of the United States, for the year 1823," were read, and referred to the Committee of the Whole on the state of the Union.

The amendments proposed by the Senate to the bill, entitled "An act making appropriations for the public buildings," were read, and referred to the Committee of the Whole on the state of the Union.

SPANISH PRIVATEERS.

The House took up the resolution offered yesterday by Mr. FULLER, as follows:

Resolved, That the President of the United States be requested to communicate to this House, as far as the public interest will permit, what measures have been taken to remove or annul the illegal and pretended blockade of the ports of the Spanish Main; to obtain restitution of vessels of the United States, captured by the privateers fitted out at Porto Rico and other Spanish islands, under pretext of breach of the said blockade; and to prevent such illegal and unwarrantable captures hereafter.

Mr. FULLER said, he regretted that the session was so near a termination, that it would not be possible for Congress to adopt any measure in aid of the Executive, which might be called for by the lawless depredations of the freebooters from Porto Rico, to which the resolution alluded. The blockade was proclaimed many months since, by some Spanish officers, without a semblance of power to enforce it, and with the obvious intent of giving color of right to the indiscriminate plunder of our commerce in those seas.

Privateers had been fitted out at Porto Rico, during the last Summer, immediately upon the blockade being announced, and several of our merchant vessels had been captured, sent in, and condemned, or, in one or two instances released, after being first plundered and subjected to cost, which required the sacrifice of vessel and cargo. The most notorious of those legalized pirates, the Palmyra or Panchita, was captured by Lieutenant Gregory, of the Grampus, and sent into the port of Charleston for adjudication. This prompt and energetic act, which was supposed to have been in obedience to orders from our Government, and the appearance of the United States ship Cyane, in the port of St. Johns, charged with a strong remonstrance from the President to the Governor of Porto Rico, put an immediate check to these marauding expeditions. But, the Palmyra was released by the court in South Carolina, probably through some defect of the evidence in point of form; for Lieutenant Gregory transmitted several depositions, proving acts of plunder, which would alone have warranted the detention. The moment the release of this vessel was known in Porto Rico, the marauding spirit was in action; and Mr. F. said he had in his possession letters from respectable persons, residing in the neighborhood of that island, stating, that from ten to twenty privateers were despatched, or in preparation to renew their depredations. These letters state the cases of the Essex, Captain Davis, and the Adeline, Captain Babson, as captured so late as the beginning of January. The former had been plundered, her captain and crew grossly abused, and, in all respects treated as pirates treat their victims, except, that to plunder and abuse, were added the mockery of a trial in an obscure port, where a person called a judge, had denied to Captain Davis the right to read a paper, or to be even heard in his defence.

Surely, said Mr. F., such outrages call for prompt and vigorous measures; no other can afford any redress, or quiet the apprehension of our merchants and unarmed seamen, and put an end to this system of robbery, in a manner which comports with the safety of our commerce, and the dignity of the nation. He hoped the resolution would be adopted.

The resolution was then agreed to.

MILITARY APPROPRIATIONS.

The House resolved itself into a Committee of the Whole on the state of the Union; and after some time spent therein, the Committee rose and reported their disagreement to the amendments proposed by the Senate to the bill, entitled "An act making further appropriations for the military service of the United States, for the year 1823," [Indian expenses,] except that which proposes to add a third section to the said bill; as also, their disagreement to the amendment proposed by the Senate to the bill, entitled "An act making appropriations for the public buildings."

The House then proceeded to consider the report of the Committee of the Whole on the state of the Union, on the said amendments; Whereupon, the first amendment proposed to the bill making further appropriations for the military service of the United States, for the year 1823, [Indian expenses] was concurred in.

The question was then put to concur in the second amendment to the said bill, viz:

"To purchase certain tracts of land in the State of Georgia, reserved to the Indians, in fee, by the treaties with the Creek Indians of the ninth of August, 1814, and of the 8th January, 1821, and by the treaties with the Cherokee Indians of the 8th July, 1817, and of the 27th February, 1819, fifty thousand dollars."

And passed in the affirmative—yeas 58, nays 50, as follows:

YEAS—Messrs. Alexander, Allen of Tennessee, Barstow, Bassett, Baylies, Blackledge, Breckenridge, Burton, Cambreleng, Campbell of Ohio, Cannon, Cassedy, Conkling, Conner, Cuthbert, Durfee, Dwight, Edwards of N. C., Farrelly, Floyd, Gilmer, Holcombe, Hooks, Hubbard, Jennings, J. S. Johnston, Kent, McCarty, McCoy, McDuffie, McKim, McLane, Mallary, Montgomery, Nelson of Massachusetts, Patterson of New York, Patterson of Pennsylvania, Pitcher, Reed of Massachusetts, Reid of Georgia, Rochester, Ross, Scott, Sergeant, Sloane, Arthur Smith, William Smith, J. S. Smith, Stewart, Tattnall, Udree, Van Wyck, Walker, Walworth, Whipple, Williams of North Carolina, Wilson, and Wood.

NAYS—Messrs. Allen of Massachusetts, Barber of Ohio, Bateman, Bigelow, Borland, Brown, Burrows, Chambers, Condict, Cook, Crafts, Cushman, Darlington, Edwards of Connecticut, Edwards of Pennsylvania, Findlay, Fuller, Gebhard, Harris, Harvey, Hawks, Hill, Ingham, Lathrop, Lincoln, McSherry, Matson, Mattocks, Metcalfe, Mitchell of Penn., Murray, New, Pierson, Plumer of New Hampshire, Plumer of Pennsylvania, Reed of Maryland, Rhea, Rich, Russ, Sterling of Connecticut, Sterling of New York, Swan, Tomlinson, Tracy, Trimble, Vance, White, Williams of Virginia, Williamson, and Woodcock.

The third amendment to the said bill was then also concurred in by the House; and the question was taken to concur in the amendment which

proposes to add a third section to the said bill, to which the Committee of the Whole on the state of the Union reported their disagreement, and passed in the affirmative. And so all the amendments to the said bill were concurred in by the House.

CLOSING BUSINESS.

The amendment proposed by the Senate to the bill, entitled "An act making appropriations for the public buildings," was then read; and the question was taken, Will the House concur with the Committee of the Whole on the state of the Union in their disagreement to the said amendment? and was determined in the negative.

The non-concurrence with the Committee of the Whole in their disagreement to the said amendment, was decided by the Speaker as equivalent to the affirmative of a question to concur therein. And so the said amendment was concurred in.

A Message was received from the PRESIDENT OF THE UNITED STATES, as follows:

To the House of Representatives of the United States:

I transmit to the House of Representatives, in pursuance of a resolution of that House, of the 30th January last, a report from the Secretary of State, containing the information required in relation to the transactions of the Commissioners under the 5th and 7th articles of the Treaty of Ghent; and also as to the measures which have been taken under the 4th article of the treaty with Spain, of the 22d of February, 1819, for fixing the boundary line described in the 3d article of the last mentioned treaty.

JAMES MONROE.

WASHINGTON, *Feb.* 26, 1823.

The Message and report was laid on the table.

A message from the Senate informed the House that the Senate have passed bills of this House of the following titles, to wit: An act to carry into effect the ninth article of the treaty concluded between the United States and Spain, the twenty-second February, 1819; and An act to authorize the Commissioner of the General Land Office to remit the instalments due on certain lots in Shawneetown, in the State of Illinois, with amendments; in which the Senate ask the concurrence of this House.

The amendments proposed by the Senate to the bill, entitled "An act to carry into effect the ninth article of the treaty concluded between the United States and Spain, the 22d February, 1819," were read, and concurred in by the House.

The amendments proposed by the Senate to the bill, entitled "An act to authorize the Commissioner of the General Land Office to remit the instalments due on certain lots in Shawneetown, in the State of Illinois," were read, and concurred in by the House.

The House resolved itself into a Committee of the Whole, on bills from the Senate, entitled An act concerning the lands to be granted to the State of Missouri, for the purposes of education, and other public uses; An act to authorize the purchase of a number of copies of the sixth volume of the Laws of the United States; An act for the erection of a monument over the tomb of Elbridge Gerry, late Vice President of the United States; An act for the accommodation of the circuit court of the United States for Washington county, in the District of Columbia, and for the preservation of the records of said court; An act to amend an act, entitled "An act for ascertaining claims and titles to land in the Territory of Florida," approved the 8th of May, 1822; and An act for clearing and improving certain roads for the purpose of facilitating the transportation of the United States mail. The bill concerning the lands to be granted to the State of Missouri, for the purposes of education, and other public uses, was reported with amendments, and the residue of said bills without amendment.

The bill to amend an act, entitled "An act for ascertaining claims and titles to land in the Territory of Florida," approved the 8th of May, 1822, was laid on the table; and the residue of the bills reported from the Committee of the Whole, without amendment, were severally ordered to be read a third time to-day.

The amendments reported from the Committee of the Whole to the bill concerning the lands to be granted to the State of Missouri, for the purposes of education and other public uses, were read, and concurred in by the House, and were ordered to be engrossed, and the bill to be read a third time to-day.

A message from the Senate informed the House that the Senate have passed bills of this House of the following titles, to wit: An act providing for the examination of the titles to land in that part of Louisiana situated between the Rio Hondo and the Sabine river; An act making appropriations for certain fortifications of the United States for the year 1823; and An act to discontinue certain post roads, and to establish others; with amendments. The Senate have, also, passed the joint resolution "to direct the withholding the salaries of certain prize agents," also with amendments; in all which amendments they ask the concurrence of this House.

The amendments proposed by the Senate to the bill, entitled "An act making appropriations for certain fortifications of the United States for the year 1823," were read, and committed to the Committee of the Whole on the state of the Union.

The amendment proposed by the Senate to the joint resolution to direct the withholding the salaries of certain prize agents, was read, and concurred in by the House.

The amendments proposed by the Senate to the bill, entitled "An act to discontinue certain post roads, and to establish others," were read, and concurred in by the House.

The amendments proposed by the Senate to the bill, entitled "An act providing for the examination of the titles to land in that part of Louisiana situated between the Rio Hondo and the Sabine river," were read, and concurred in by the House.

Bills from the Senate, of the following titles, to wit:

An act concerning the lands to be granted to

the State of Missouri, for the purposes of education, and other public uses, with amendments;

An act for the erection of a monument over the tomb of Elbridge Gerry, late Vice President of the United States;

An act for clearing and improving certain roads for the purpose of facilitating the transportation of the United States mail;

An act providing for the accommodation of the circuit court of the United States for Washington county, in the District of Columbia, and for the preservation of the records of said court; and An act to authorize the purchase of a number of copies of the sixth volume of the Laws of the United States; were severally read a third time, and passed.

The House resolved itself into a Committee of the Whole on the state of the Union; and, after some time spent therein, the Chairman reported the agreement of the Committee of the Whole to the amendments proposed by the Senate to the bill, entitled "An act making appropriations for certain fortifications of the United States for the year 1823."

The amendments were then concurred in by the House.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act amending, and supplementary to, the act for ascertaining claims and titles to land in the Territory of Florida, and to provide for the survey and disposal of the public lands in Florida," with amendments, in which they ask the concurrence of this House.

The amendments were read, and concurred in by the House.

The House took up and proceeded to consider the joint resolution from the Senate, "directing the printing of the Journal of Congress from the 5th of September, 1774, to the 3d of November, 1786;" and the same having been amended, and read a third time on the 26th ultimo, the question was taken, Shall it pass? And it passed in the affirmative.

The Committee on Military Affairs, the Committee on the Post Office and Post Roads, the Committee on Private Land Claims, the Committee on the Militia, the Committee on Indian Affairs, the Committee on the Public Buildings, and the Committee on the Public Lands, respectively, were discharged from the further consideration of the several matters and things to them referred during the present session, and upon which they have not reported to the House.

A message from the Senate informed the House that the Senate disagree to the amendment proposed by this House to the joint resolution directing the printing of the Journal of Congress, from the 5th September, 1774, to the 3d of November, 1786.

The House proceeded to reconsider their said amendment; whereupon it was resolved, that this House doth insist on their said amendment.

A message from the Senate informed the House that the Senate adhere to their disagreement to the amendment proposed by this House to the joint resolution, "directing the printing the Journals of Congress, from the 5th of September, 1774, to the 3d November, 1786."

The House then again proceeded to reconsider their amendment to the said resolution; whereupon it was resolved, that this House do adhere to their said amendment. And so the said resolution was lost.

And the House adjourned.

MONDAY, March 3.

Mr. SERGEANT, from the Committee appointed on the memorial of the administrators on the estate of John H. Piatt, deceased, made a favorable report thereon; which was ordered to lie on the table.

On motion of Mr. BLACKLEDGE, the Commissioner of the Public Buildings was ordered to furnish such of the rooms in the centre building as shall be finished, for the reception of the Committees of the Eighteenth Congress, and the additional rooms for the Clerk's department; and that the necessary expense be paid out of the contingent fund of the House.

Mr. COCKE submitted the following resolution:

Resolved, That the President of the United States be requested to inform this House, at an early period of the next session of Congress, whether any member or members of the present or of the ensuing Congress are, or have been, concerned, either directly or indirectly, in contracts entered into with any of the Departments of Government; also, whether any members are in arrears to the Government.

The said resolution being read—

Mr. COCKE moved that the rule which requires resolutions calling on the President or any Executive Department of the Government to lie on the table one day for consideration, be suspended in this particular case.

On the question, Shall the said rule be suspended? It was determined in the negative; and the resolution was laid on the table.

On motion of Mr. HILL, it was ordered that a committee be appointed on the part of this House jointly with such committee as may be appointed on the part of the Senate, to wait upon the President of the United States, and notify him that unless he may have other communications to make to the two Houses of Congress, they are ready to adjourn. Mr. HILL and Mr. COLDEN were appointed of the said committee on the part of this House.

Mr. HILL, of Maine, submitted for consideration the following resolution:

Resolved, That the thanks of the House be presented to the Hon. P. P. BARBOUR, for the promptitude, assiduity, and ability, with which he has administered the duties of the Chair during the present session.

Mr. ALLEN, of Massachusetts, suggested the insertion of the word "impartiality," after the word "assiduity;" to which amendment Mr. HILL assented. Thus modified, the resolution was unanimously agreed to.

REORGANIZATION OF THE COURTS.

Mr. PLUMER, of New Hampshire, from the committee on the Judiciary, who were instructed to inquire "whether any, and, if any, what, alterations are necessary to be made in the organization of the courts of the United States, so as more equally to extend their advantages to the several States;" and to whom was also referred the memorial of the Legislature of the State of Indiana upon the same subject, made a report thereon adverse to making the alterations suggested; which report was laid on the table.

It is as follows:

The number of new States admitted into the Union since the Federal Judiciary was first established, and the natural increase of business both in the old and new States, render, in the opinion of the committee, some change, at no very distant period, in the organization of the courts of the United States, highly expedient, if not essential to the due execution of the laws.

The Judiciary system of the United States, as originally established, consisted of one Supreme Court, six circuit courts, and thirteen district courts. The district court was held by one judge in each district; the circuit court was formed by the union of the district judge with one or more of the judges of the supreme court; and the Supreme Court itself was composed of a chief justice and five associate judges. The number of the district courts has since been increased to twenty-seven, by the admission of new States into the Union, or the division of the old ones into separate districts; there being two district courts in New York, two in Pennsylvania, two in Virginia, and one in each of the other States. By an act of Congress, passed February 13, 1801, the United States were divided into six circuits, with a circuit court in each, consisting of three judges, who were to hold two terms in each district, and were invested with the same general powers and jurisdiction as the former circuit courts possessed. By the same act, the sessions of the Supreme Court were, in future, to be holden twice a year, at the city of Washington, the judges were no longer required to sit in the circuit courts; and their number, on the death or resignation of the judges then on the bench, was to be reduced to five. On the 8th of March, 1802, this act was repealed, and the former system was restored. On the 24th of February, 1807, a new circuit was formed in the Western country, embracing the States of Kentucky, Tennessee, and Ohio; and the number of the judges of the Supreme Court was increased to seven. Since that time, six new States have been admitted into the Union from the West alone; and one has been created in the East, by the separation of Maine from Massachusetts. From the extent of the country, the number of the States, and the increasing mass of business constantly depending in the circuit courts, it was obviously impossible for seven judges to hold two courts annually in each of the twenty-seven judicial districts, into which the United States (exclusive of the Territories) are now divided. The judges of the Supreme Court have not, therefore, been required by law to go into the new Western States; and there are, accordingly, no circuit courts holden in Louisiana, Indiana, Mississippi, Illinois, Alabama, and Missouri, nor in the Territories of Michigan, Arkansas, and Florida. In each of these States and Territories, the district court is vested with, and exercises, the jurisdiction of a circuit court of the United States.

The preceding statement may be considered as presenting a hasty outline of the principal features of the Federal Judiciary, with the most important changes it has successively undergone, but without pretending to notice its minuter variations.

It is understood by the committee that those States which, under the present arrangements, are deprived of the benefits of a circuit court, are desirous, for reasons not deemed necessary here to be enumerated, that such alterations should be made in the existing system as would extend to them the advantages enjoyed by the States where such courts exist. This desire of the new States to be placed upon a footing of equality with the old, in respect to their judicial establishments, so far as these depend upon the United States, appears to the committee just and reasonable. Nor are there wanting obvious reasons of interest and of policy, operating equally upon the Government and the people, in all parts of the Union, in favor of placing the courts of the United States, wherever they exist, upon the most respectable footing; and of giving them, in every section of the country, in the West as well as in the East, the form and the facilities which may, in each case, enable them best to answer the important objects of their original institution. For this purpose, three different plans have occurred to the committee as among the means most likely to effect this desirable object:

1. To increase the number of circuits to nine, and add two more judges to the Supreme Court.

2. To establish circuit courts throughout the United States, upon a plan similar to that adopted in 1801, but with such modifications as may be found expedient; and to provide for the eventual reduction of the number of judges of the Supreme Court to five.

3. To establish two circuit courts in the Western States, with the same general powers and jurisdiction as are now possessed by the circuit courts of the United States, to which (as in other circuits) an appeal should lie from the district courts, and thence, under the ordinary limitations, to the Supreme Court.

Each of these plans possesses some advantages over the others, and is, at the same time, liable to some objections.

1st. In the final decision of judicial questions, a small number of judges, qualified for their station as those of the United States will, we may hope, always be, are likely to prosecute their legal inquiries more thoroughly, come to more correct conclusions, and act with greater impartiality, uniformity, and despatch, than a numerous, and consequently discordant, body can be presumed always to do. In this respect, it is believed that the number of the judges of the Supreme Court, as now constituted, is sufficiently large (if, indeed, it be not already too great) for the convenient despatch of the important business which comes yearly before it.

2d. With respect to the second proposition, it may be remarked, that a similar system having been once adopted, and subsequently abandoned, its re-enactment would probably be opposed, at least till other expedients, promising more favorable results, shall have been first tried.

3d. The institution of two new circuits in the Western States, with one judge in each, who, sitting successively with the district judges in their several districts, should form the circuit court for those dis-

tricts, would, it is believed, obviate many of the inconveniences arising from the present organization of the courts in that part of the Union; and the same arrangement, if found on trial to answer the purposes designed by it, might, as circumstances required, be extended to other sections of the country, and thus lead, finally, to the adoption of one uniform system of circuit courts throughout the United States. For the purposes of the present experiment, Indiana, Illinois, and Missouri might be conveniently formed into one circuit; and Louisiana, Mississippi, and Alabama into another.

Without going at all into the details of these several plans, or even expressing any decided opinion in favor of either of them, the committee, in obedience to the commands of the House to report on this subject, have thought proper to present it, at this time, in its present form, not with a view to the adoption, at this session, of any decisive measures in relation to a department of the Government so important as that of the Judiciary, but in hopes that the subject may attract the attention of the country generally, and of those parts of it, in particular, which are more immediately concerned in its investigation; and that the next Congress may be prepared, at an early period, to decide whether any, and, if any, what changes are necessary in the organization of the courts of the United States, to enable them more effectually to attain the objects for which they were originally instituted.

The memorial from the Legislature of Indiana requests either that Congress would organize a new circuit, of which that State should form a part; or that she may be attached to the Western circuit, consisting, at present, of Ohio, Kentucky, and Tennessee. The first of these requests would be substantially complied with by the adoption of either of the above plans suggested by the committee. The other alternative presented by the Legislature of Indiana is attended with some difficulty. There is, at present, but one judge of the Supreme Court in the Western States; and it is understood by the committee that the terms which he is now by law required to hold, together with his attendance, annually, at the Seat of Government, as a member of the Supreme Court, occupy his time and attention so exclusively, as to render it improper that any additional duties should be imposed upon him.

The committee, therefore, ask to be discharged from the further consideration of the resolution and memorial referred to them by the House.

CLOSE OF THE SESSION.

Mr. WRIGHT moved that the House do come to the following resolution:

Resolved, That three members of this House, with the Superintendent of the Public Buildings, cause the room to be arranged in such manner as they may judge best suited to the public business.

The resolution was ordered to lie on the table.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, accompanied with sundry statements in relation to allowances made to registers and receivers of land offices, for clerk hire, office rent, transmission of public moneys, office furniture &c., since the 20th of April, 1816, rendered in obedience to the resolution of the 19th ultimo; which letter and statements were ordered to lie on the table.

A message from the Senate informed the House that the Senate have concurred in the resolution for the appointment of a joint committee to wait on the President of the United States, and notify him that, unless he may have other communications to make to the two Houses of Congress, they are ready to adjourn; and they have appointed a committee on their part.

Mr. HILL, from the joint committee last mentioned, reported that the committee had waited on the President of the United States, and informed him that, unless he might have other communications to make to the two Houses of Congress, they are ready to adjourn; and that they received from the President for answer, that he had no further communications to make to Congress.

It was then ordered, that a message be sent to the Senate, to inform that body that this House having completed the legislative business before it, is now ready to adjourn; and that the Clerk do go with the said message.

The Clerk having delivered the said message and being returned—

A message was received from the Senate notifying the House that the Senate, having completed the Legislative business before them, are ready by an adjournment, to close the present session of Congress.

And thereupon—

The SPEAKER (Mr. BARBOUR) rose from his Chair, and addressed the House as follows:

To receive the approbation of our country is at all times the highest reward which can be bestowed upon a citizen in the public service; to receive the expression of that approbation from the representatives of the people, with whom it has been my fortune to act, gives to it, in my estimation, an increased degree of interest; but when, in addition to this, I recollect that this is the second occasion in which I have received this high mark of confidence from the same House of Representatives; from gentlemen with whom, for two successive sessions, I have been associated in legislation; it inspires me with the deepest sense of gratitude. I have nothing to offer you but my sincere thanks in return for this renewed evidence of your good opinion, as well as for the kind indulgence with which you have supported me in the discharge of my official duties. There are few stations in civil life of a character either more important or more difficult than that of the presiding officer of this House. On your deliberations essentially depend the prosperity of this extensive and extending Confederacy. In their progress the most novel and perplexing questions are frequently presented for the instantaneous decision of your Speaker; and the duties which, in general, appertain to his office involve, in themselves, the highest degree of responsibility. In such a situation to be able to command success, is the attribute of no man; to endeavor to deserve it, is within the reach of all; that endeavor I am conscious of having earnestly made; and, to the pleasure arising from that consciousness, the resolution which you have just passed, adds the gratification of believing that my efforts, in this respect, have not been altogether fruitless.

We are now, gentlemen, about to close the labors

the Seventeenth Congress. I trust that, upon a view of its measures, it will be found by our constituents that, however we may have differed in opinion relation to the means, we have all had in view one eat, one common end—the promotion of the general welfare.

We are soon, gentlemen, about to separate; many of you, perhaps, I may never meet again. May you long live to enjoy the rewards of your past service, and to render others to a grateful country.

A motion was then made, that the House do now adjourn, and the question being put, it was carried in the affirmative; and thereupon, the SPEAKER adjourned the House *sine die*.

APPENDIX

TO THE HISTORY OF THE SEVENTEENTH CONGRESS.

[SECOND SESSION.]

OMPRISING THE MOST IMPORTANT DOCUMENTS ORIGINATING DURING THAT CONGRESS, AND THE PUBLIC ACTS PASSED BY IT.

CONVENTION WITH FRANCE.

ocuments accompanying the Message of the President of the United States to both Houses, at the commencement of the Second Session of the Seventeenth Congress—December 3, 1822.

A PROCLAMATION.

BY THE PRESIDENT OF THE UNITED STATES.

Whereas, by the second section of an act of ongress of the 6th of May last, entitled "An ct in addition to the act concerning navigation, id also to authorize the appointment of deputy ollectors," it is provided, that, in the event of the gnature of any treaty or convention concerning e navigation or commerce between the United tates and France, the President of the United tates, if he should deem the same expedient, may ispend, by proclamation, until the end of the ext session of Congress, the operation of the ct, entitled "An act to impose a new tonnage ity on French ships and vessels, and for other urposes;" and also to suspend, as aforesaid, all her duties on French vessels, or the goods imorted in the same, which may exceed the duties n American vessels, and on similar goods imorted in the same; and whereas a convention of avigation and commerce between the United tates of America and his Majesty the King of rance and Navarre, has this day been duly gned, by John Quincy Adams, Secretary of tate, on the part of the United States, and by ie Baron Hyde de Neuville, Envoy Extraordiary and Minister Plenipotentiary from France, n the part of his Most Christian Majesty, which onvention is in the words following:

onvention of Navigation and Commerce between the United States of America and His Majesty the King of France and Navarre.

The United States of America and His Maesty the King of France and Navarre, being deirous of settling the relations of navigation and ommerce between their respective nations, by a mporary convention reciprocally beneficial and tisfactory, and thereby of leading to a more permanent and comprehensive arrangement, have respectively furnished their full powers in manner following, that is to say: The President of the United States to John Quincy Adams, their Secretary of State; and His Most Christian Majesty, to the Baron Hyde de Neuville, Knight of the Royal and Military Order of St. Louis, Commander of the Legion of Honor, Grand Cross of the Royal American Order of Isabella the Catholic, his Envoy Extraordinary and Minister Plenipotentiary near the United States; who, after exchanging their full powers, have agreed on the following articles:

ARTICLE 1. Articles of the growth, produce, or manufacture of the United States, imported into France in vessels of the United States, shall pay an additional duty, not exceeding twenty francs per ton of merchandise, over and above the duties paid on the like articles, also of the growth, produce, or manufacture, of the United States, when imported in French vessels.

ART. 2. Articles of the growth, produce, or manufacture of France, imported into the United States in French vessels, shall pay an additional duty, not exceeding three dollars and seventy-five cents per ton of merchandise over and above the duties collected upon the like articles, also of the growth, produce, or manufacture of France, when imported in vessels of the United States.

ART. 3. No discriminating duty shall be levied upon the productions of the soil or industry of France, imported in French bottoms into the ports of the United States for transit or re-exportation; nor shall any such duties be levied upon the productions of the soil or industry of the United States, imported in vessels of the United States into the ports of France for transit or re-exportation.

ART. 4. The following quantities shall be considered as forming the ton of merchandise for each of the articles hereinafter specified:

Wines, four 61 gallon hogsheads, or 244 gallons of 231 cubic inches, American measure.

Brandies, and all other liquids, 244 gallons.

Silks and all other dry goods, and all other articles usually subject to measurement, 42 cubic feet, French, in France, and 50 cubic feet, American measure, in the United States.

Cotton, 804 pounds avoirdupois, or 365 kilogrammes.

Tobacco, 1,600 pounds avoirdupois, or 725 kilogrammes.

Ashes, pot and pearl, 2,240 pounds avoirdupois, or 1,016 kilogrammes.

Rice, 1,600 pounds avoirdupois, or 725 kilogrammes; and for all weighable articles, not specified, 2,240 pounds avoirdupois, or 1,016 kilogrammes.

ART. 5. The duties of tonnage, light-money, pilotage, port charges, brokerage, and all other duties upon foreign shipping, over and above those paid by the national shipping in the two countries respectively, other than those specified in articles 1 and 2 of the present convention, shall not exceed in France, for vessels of the United States, five francs per ton of the vessel's American register; nor for vessels of France in the United States, ninety-four cents per ton of the vessel's French passport.

ART. 6. The contracting parties, wishing to favor their mutual commerce by affording in their ports every necessary assistance to their respective vessels, have agreed that the consuls and vice consuls, may cause to be arrested the sailors, being part of the crews of the vessels of their respective nations, who shall have deserted from the said vessels, in order to send them back and transport them out of the country. For which purpose the said consuls and vice consuls shall address themselves to the courts, judges, and officers competent, and shall demand the said deserters in writing, proving, by an exhibition of the registers of the vessel, or ship's roll, or other official documents, that those men were part of said crews; and on this demand, so proved, (saving however where the contrary is proved,) the delivery shall not be refused; and there shall be given all aid and assistance to the said consuls and vice consuls for the search, seizure, and arrest, of said deserters, who shall even be detained and kept in the prisons of the country, at their request and expense, until they shall have found an opportunity of sending them back. But if they be not sent back within three months, to be counted from the day of their arrest, they shall be set at liberty, and shall be no more arrested for the same cause.

ART. 7. The present temporary convention shall be in force for two years from the first day of October next, and even after the expiration of that term, until the conclusion of a definitive treaty, or until one of the parties shall have declared its intention to renounce it; which declaration shall be made at least six months before hand.

And in case the present arrangement should remain without such declaration of its discontinuance by either party, the extra duties specified in the 1st and 2d articles shall, from the expiration of the said two years, be, on both sides, diminished by one-fourth of their whole amount, and, afterwards, by one-fourth of the said amount from year to year, so long as neither party shall have declared the intention of renouncing it as above stated.

ART. 8. The present convention shall be ratified on both sides, and the ratifications shall be exchanged within one year from the date hereof, or sooner, if possible. But the execution of the said convention shall commence in both countries on the 1st day of October next, and shall be effective, even in case of non-ratification, for all such vessels as may have sailed *bona fide* for the ports of either nation, in the confidence of its being in force.

In faith whereof, the respective Plenipotentiaries have signed the present convention, and have thereto affixed their seals, at the City of Washington, this 24th day of June, A. D. 1822.

JOHN QUINCY ADAMS, [L. S.]
G. HYDE DE NEUVILLE. [L. S.]

SEPARATE ARTICLE.

The extra duties levied on either side before the present day, by virtue of the act of Congress of 15th May, 1820, and of the ordonnance of 26th July of the same year, and others confirmative thereof, and which have not already been paid back, shall be refunded.

Signed and sealed as above, this 24th day of June, 1822.

JOHN QUINCY ADAMS, [L. S.]
G. HYDE DE NEUVILLE. [L. S.]

SEPARATE ARTICLE.

It is agreed that the extra duties, specified in the first and second articles of this convention, shall be levied only upon the excess of value of the merchandise imported, over the value of the merchandise exported in the same vessel upon the same voyage: so that if the value of the articles exported shall equal or exceed that of the articles imported in the same vessel (not including, however, articles imported for transit or re-exportation) no such extra duties shall be levied; and if the articles exported are less in value than those imported, the extra duties shall be levied only upon the amount of the difference of their value. This article, however, shall take effect only in case of ratification on both sides, and not until two months after the ratifications. But the refusal to ratify this article, on either side, shall in no wise affect or impair the ratification or the validity of the preceding articles of this convention.

Signed and sealed as above, this 24th day of June, 1822.

JOHN QUINCY ADAMS, [L. S.]
G. HYDE DE NEUVILLE. [L. S.]

Now, therefore, be it known, that I, James Monroe, President of the United States, in pursuance of the authority aforesaid, do hereby suspend, from and after the first day of October next, until the end of the next session of Congress, the operation of the act aforesaid, entitled "An act to impose a new tonnage duty on French ships and vessels, and for other purposes, and also all other duties on French vessels, and the goods, being the growth, produce, and manufacture of France, imported in the same, which may exceed the duties on American vessels, and on similar goods

imported in the same, saving only discriminating duties payable on French vessels, and on articles of the growth, produce, and manufacture of France, imported in the same, stipulated by the said convention to be paid.

In testimony whereof, I have caused the seal of the United States to be affixed to these presents, and signed the same with my hand. Done at Washington, the 24th day of June, in the year of our Lord 1822, and of the Independence of the United States the forty-sixth.

JAMES MONROE.

By the President:

JOHN QUINCY ADAMS, *Secretary of State.*

[The above convention was ratified, and the ratifications duly exchanged on the 12th February, 1823, with an additional separate article annexed, as follows:]

SEPARATE ARTICLE.

The extra duties levied on either side before the present day, by virtue of the act of Congress of 15th May, 1820, and of the ordonnance of 26th July of the same year, and others confirmative thereof, and which have not already been paid back, shall be refunded.

Signed and sealed as above, this 24th day of June, 1822.

JOHN QUINCY ADAMS, [L. S.]
G. HYDE DE NEUVILLE, [L. S.]

TRADE WITH THE WEST INDIES.

BY THE PRESIDENT OF THE UNITED STATES.

A PROCLAMATION.

Whereas, by an act of the Congress of the United States, passed on the 6th day of May last, it was provided, that, on satisfactory evidence being given to the President of the United States, that the ports in the islands or colonies in the West Indies, under the dominion of Great Britain, have been opened to the vessels of the United States, the President should be, and thereby was, authorized to issue his proclamation, declaring that the ports of the United States should thereafter be opened to the vessels of Great Britain, employed in the trade and intercourse between the United States and such islands or colonies, subject to such reciprocal rules and restrictions as the President of the United States might, by such proclamation, make and publish; any thing in the laws, entitled "An act concerning navigation, or, an act, entitled "An act supplementary to an act concerning navigation," to the contrary notwithstanding. And whereas satisfactory evidence has been given to the President of the United States, that the ports hereinafter mentioned, in the islands or colonies in the West Indies, under the dominion of Great Britain, have been opened to the vessels of the United States, that is to say:

The ports of Kingston, Savannah La Mar, Montego Bay, Santa Lucia, Antonio, Saint Ann, Falmouth, Maria, Morant Bay,	In Jamaica.
Saint George	Grenada.
Roseau	Dominica.
Saint Johns	Antigua.
San Josef	Trinidad.
Scarborough	Tobago.
Road Harbor	Tortola.
Nassau	New Providence.
Pittstown	Crooked Island.
Kingston	St. Vincent.
Port St. George, and Port Hamilton	Bermuda.
Any port where there is a custom-house	Bahamas.
Bridgetown	Barbadoes.
St. Johns, St. Andrews,	New Brunswick.
Halifax	Nova Scotia.
Quebec	Canada.
St. Johns	Newfoundland.
George Town	Demarara.
New Amsterdam	Berbice.
Castres	St. Lucia.
Basseterre	St. Kitts.
Charlestown	Nevis.
And Plymouth	Montserrat.

Now, therefore, I James Monroe, President of the United States of America, do hereby declare and proclaim that the ports of the United States shall hereafter, and until the end of the next session of the Congress of the United States, be open to the vessels of Great Britain employed in the trade and intercourse between the United States and the islands and colonies hereinbefore named; any thing in the laws, entitled "An act concerning navigation," or, an act supplementary to an act, entitled "An act supplementary to an act concerning navigation," to the contrary notwithstanding, under the following reciprocal rules and restrictions, namely:

The vessels of Great Britain, *bona fide* British built, owned, and the master and three-fourths of the mariners of which at least shall belong to Great Britain, or any United States' built ship or vessel, which has been sold to, and become the property of British subjects, such ship or vessel being also navigated with a master, and three-fourths of the mariners at least, belonging to Great Britain; and, provided always, that no articles shall be imported into the United States in any such British ship or vessel, other than articles of the growth, produce, or manufacture, of the British islands and colonies in the West Indies, when imported in British vessels coming from any such island or colony, and articles of the growth, produce, or manufacture, of the British colonies in North America, or of the island of Newfoundland, in vessels coming from the port of St. Johns, in that island, or from any of the aforesaid ports of the British colonies in North America.

Given under my hand, at the City of Washington, this twenty-fourth day of August, in the year of our Lord one thousand eight hundred and

twenty-two, and in the forty seventh year of the Independence of the United States.

JAMES MONROE.

By the President:
JOHN QUINCY ADAMS,
Secretary of State.

CONVENTION WITH GREAT BRITAIN.

Message from the President of the United States, transmitting copies of a Convention concluded at St. Petersburg, the 12th day of July, 1822, *under the mediation of the Emperor of all the Russias, between the United States of America and His Britannic Majesty, communicated to the House January* 25, 1823.

WASHINGTON, *January* 16, 1823.

To the Speaker of the House of Representatives:

The Convention concluded and signed at St. Petersburg, on the 12th day of July last, under the mediation of His Imperial Majesty the Emperor of all the Russias, having been ratified by the three Powers, parties thereto, and the ratifications of the same having been duly exchanged, copies of it are now communicated to Congress, to the end that the measures for carrying it, on the part of the United States, into execution, may obtain the co-operation of the Legislature, necessary to the accomplishment of some of its provisions. A translation is subjoined of the three explanatory documents, in the French language, referred to in the fourth article of the Convention, and annexed to it. The agreement executed at the exchange of the ratifications is likewise communicated.

JAMES MONROE.

A PROCLAMATION.

BY THE PRESIDENT OF THE UNITED STATES.

Whereas a Convention between the United States of America and His Britannic Majesty was concluded and signed at St. Petersburg, under the mediation of the Emperor of all the Russias, on the twelfth day of July last, by the respective Plenipotentiaries of the three Powers; and whereas the said Convention has been by them duly ratified, and the respective ratifications of the same were exchanged at Washington, on the tenth day of the present month, by John Quincy Adams, Secretary of State of the United States, the Right Honorable Stratford Canning, Envoy Extraordinary and Minister Plenipotentiary of His Britannic Majesty, and Mr. George Ellisen, Chargé d'Affaires of His Imperial Majesty the Emperor of all the Russias, on the part of their several Governments; which Convention is in the words following, to wit:

In the name of the most holy and indivisible Trinity:

The President of the United States of America, and His Majesty the King of the United Kingdom of Great Britain and Ireland, having agreed, in pursuance of the fifth article of the Convention concluded at London on the 20th day of October, 1818, to refer the differences which had arisen between the two Governments, upon the true construction and meaning of the first article of the Treaty of Peace and Amity, concluded at Ghent on the 24th day of December, 1814, to the friendly arbitration of His Majesty the Emperor of all the Russias, mutually engaging to consider his decision as final and conclusive; and his said Imperial Majesty having, after due consideration, given his decision upon these differences in the following terms, to wit:

"That the United States of America are entitled to claim from Great Britain a just indemnification for all private property, which the British forces may have carried away; and as the question relates to slaves more especially, for all the slaves that the British forces may have carried away from places and territories of which the Treaty stipulates the restitution, in quitting these same places and territories."

"That the United States are entitled to consider as having been so carried away, all such slaves as may have been transferred from the above mentioned territories to British vessels within the waters of the said territories, and who for this reason may not have been restored."

"But that, if there should be any American slaves who were carried away from territories of which the first article of the Treaty of Ghent has not stipulated the restitution to the United States, the United States are not entitled to claim an indemnification for the said slaves:"

Now, for the purpose of carrying into effect this award of His Imperial Majesty, as arbitrator, his good offices have been further invoked to assist in framing such Convention or Articles of Agreement between the United States of America and His Britannic Majesty, as shall provide the mode of ascertaining and determining the value of slaves and of other private property, which may have been carried away in contravention of the Treaty of Ghent, and for which indemnification is to be made to the citizens of the United States, in virtue of His Imperial Majesty's said award, and shall secure compensation to the sufferers for their losses, so ascertained and determined. And His Imperial Majesty has consented to lend his mediation for the above purpose, and has constituted and appointed Charles Robert Count Nesselrode, His Imperial Majesty's Privy Counsellor, Member of the Council of State, Secretary of State directing the Imperial Department of Foreign Affairs, Chamberlain, Knight of the order of Saint Alexander Nevsky, Grand Cross of the order of Saint Vladimir of the first class, Knight of that of the White Eagle of Poland, Grand Cross of the order of St. Stephen of Hungary, of the Black and of the Red Eagle of Prussia, of the Legion of Honor of France, of Charles III. of Spain, of St. Ferdinand and of Merit of Naples, of the Annunciation of Sardinia, of the Polar Star of Sweden, of the Elephant of Denmark, of the Golden Eagle of Wirtemberg, of Fidelity of Baden, of St. Constantine of Parma,

and of Guelph of Hanover; and John Count Capodistrias, His Imperial Majesty's Privy Counsellor, and Secretary of State, Knight of the order of St. Alexander Nevsky, Grand Cross of the order of St. Vladimir of the first class, Knight of that of the White Eagle of Poland, Grand Cross of the order of St. Stephen of Hungary, of the Black and of the Red Eagle of Prussia, of the Legion of Honor of France, of Charles III. of Spain, of St. Ferdinand and of Merit of Naples, of St. Maurice and of St. Lazarus of Sardinia, of the Elephant of Denmark, of Fidelity and of the Lion of Zähringen of Baden, Burgher of the Canton of Vaud, and also of the Canton and of the Republic of Geneva, as his Plenipotentiaries to treat, adjust, and conclude such Articles of Agreement as may tend to the attainment of the above mentioned end, with the Plenipotentiaries of the United States and of His Britannic Majesty; that is to say, on the part of the President of the United States, with the advice and consent of the Senate thereof, Henry Middleton, a citizen of the said United States, and their Envoy Extraordinary and Minister Plenipotentiary to His Majesty the Emperor of all the Russias; and on the part of His Majesty the King of the United Kingdom of Great Britain and Ireland, the Right Honorable Sir Charles Bagot, one of His Majesty's most honorable Privy Council, Knight Grand Cross of the most honorable order of the Bath, and His Majesty's Ambassador Extraordinary and Plenipotentiary to His Majesty the Emperor of all the Russias. And the said Plenipotentiaries, after a reciprocal communication of their respective full powers, found in good and due form, have agreed upon the following articles:

ARTICLE 1. For the purpose of ascertaining and determining the amount of indemnification which may be due to citizens of the United States under the decision of His Imperial Majesty, two Commissioners and two Arbitrators shall be appointed in the manner following, that is to say, one commissioner and one arbitrator shall be nominated and appointed by the President of the United States of America, by, and with the advice and consent of the Senate thereof; and one commissioner and one arbitrator shall be appointed by His Britannic Majesty. And the two commissioners and two arbitrators, thus appointed, shall meet and hold their sittings as a Board in the city of Washington. They shall have power to appoint a secretary, and before proceeding to the other business of the commission, they shall, respectively, take the following oath, (or affirmation,) in the presence of each other. Which oath or affirmation, being so taken, and duly attested, shall be entered on the record of their proceedings; that is to say, "I, A B, one of the commissioners (or arbitrators, as the case may be,) appointed in pursuance of the convention concluded at St. Petersburg on the 30th [12th] day of June, [July,] the thousand eight hundred and twenty-two, between His Majesty the Emperor of all the Russias, the United States of America, and His Britannic Majesty, do solemnly swear (or affirm) that I will diligently, impartially, and carefully, examine, and, to the best of my judgment, according to justice and equity, decide all matters submitted to me as commissioner (or arbitrator, as the case may be) under the said convention."

All vacancies occurring by death or otherwise shall be filled up in the manner of the original appointment, and the new commissioners or arbitrators shall take the same oath or affirmation, and perform the same duties.

ARTICLE 2. If, at the first meeting of this board, the Governments of the United States and of Great Britain shall not have agreed upon an average value, to be allowed as compensation for each slave for whom indemnification may be due; then, and in that case, the commissioners and arbitrators shall conjointly proceed to examine the testimony which shall be produced under the authority of the President of the United States, together with such other competent testimony as they may see cause to require or allow, going to prove the true value of slaves at the period of the exchange of the ratifications of the Treaty of Ghent; and upon the evidence so obtained, they shall agree upon and fix the average value. But in case that a majority of the board of commissioners and arbitrators should not be able to agree respecting such average value, then, and in that case, recourse shall be had to the arbitration of the minister or other agent of the mediating Power, accredited to the Government of the United States. A statement of the evidence produced, and of the proceedings of the board thereupon, shall be communicated to the said minister or agent, and his decision, founded upon such evidence and proceedings, shall be final and conclusive. And the said average value, when fixed and determined by either of the three before mentioned methods, shall in all cases serve as a rule for the compensation to be awarded for each and every slave, for whom it may afterwards be found that indemnification is due.

ART. 3. When the average value of slaves shall have been ascertained and fixed, the two commissioners shall constitute a board for the examination of the claims which are to be submitted to them, and they shall notify to the Secretary of State of the United States, that they are ready to receive a definitive list of the slaves and other private property, for which the citizens of the United States claim indemnification; it being understood and hereby agreed that the commission shall not take cognizance of, nor receive, and that His Britannic Majesty shall not be required to make, compensation for any claims for private property under the first article of the Treaty of Ghent, not contained in the said list. And His Britannic Majesty hereby engages to cause to be produced before the commission, as material, towards ascertaining facts, all the evidence of which His Majesty's Government may be in possession, by returns from His Majesty's officers or otherwise, of the number of slaves carried away. But the evidence so produced, or its defectiveness, shall not go in bar of any claim or claims which shall be otherwise satisfactorily authenticated.

ART. 4. The two commissioners are hereby empowered and required to go into an examination of all the claims submitted, through the abovementioned list, by the owners of slaves or other property, or by their lawful attorneys or representatives, and to determine the same, respectively, according to the merits of the several cases, under the rule of the imperial decision herein above recited, and having reference, if need there be, to the explanatory documents hereunto annexed, marked A and B. And, in considering such claims, the commissioners are empowered and required to examine, on oath or affirmation, all such persons as shall come before them, touching the real number of the slaves, or value of other property, for which indemnification is claimed; and, also, to receive in evidence, according as they may think consistent with equity and justice, written depositions or papers, such depositions or papers being duly authenticated, either according to existing legal forms, or in such other manner as the said commissioners shall see cause to require or allow.

ART. 5. In the event of the two commissioners not agreeing in any particular case under examination, or of their disagreement upon any question which may result from the stipulations of this convention, then and in that case they shall draw by lot the name of one of the two arbitrators, who, after having given due consideration to the matter contested, shall consult with the commissioners; and a final decision shall be given, conformably to the opinion of the majority of the two commissioners, and of the arbitrator so drawn by lot. And the arbitrator, when so acting with the two commissioners, shall be bound in all respects by the rules of proceeding enjoined by the fourth article of this convention upon the commissioners, and shall be vested with the same powers, and be deemed, for that case, a commissioner.

ART. 6. The decision of the two commissioners, or of the majority of the board, as constituted by the preceding article, shall in all cases be final and conclusive, whether as to number, the value or the ownership of the slaves, or other property, for which indemnification is to be made. And His Britannic Majesty engages to cause the sum awarded to each and every owner in lieu of his slave or slaves, or other property, to be paid in specie, without deduction, at such time or times, and at such place or places, as shall be awarded by the said commissioners, and on condition of such releases or assignments to be given, as they shall direct; provided that no such payment shall be fixed to take place sooner than twelve months from the day of the exchange of the ratifications of this convention.

ART. 7. It is further agreed, that the commissioners and arbitrators shall be respectively paid in such manner as shall be settled between the Governments of the United States and Great Britain, at the time of the exchange of the ratifications of this convention. And all other expenses attending the execution of the commission, shall be defrayed jointly by the United States and His Britannic Majesty, the same being previously ascertained and allowed by the majority of the board.

ART. 8. A certified copy of this convention, when duly ratified by His Majesty the Emperor of all the Russias, by the President of the United States, by and with the advice and consent of their Senate, and by His Britannic Majesty, shall be delivered by each of the contracting parties, respectively, to the Minister or other agent of the mediating Power, accredited to the Government of the United States, as soon as may be after the ratifications shall have been exchanged; which last shall be effected at Washington, in six months, from the date hereof, or sooner if possible.

In faith whereof, the respective Plenipotentiaries have signed this convention, drawn up in two languages, and have hereunto affixed their seals.

Done in triplicate, at St. Petersburg, this thirtieth [twelfth] day of June, [July,] one thousand eight hundred and twenty-two.

NESSELRODE,
CAPODISTRIAS,
HENRY MIDDLETON,
CHARLES BAGOT.

Now, therefore, be it known, That I, JAMES MONROE, President of the United States, have caused the said Convention to be made public; to the end that the same, and every clause and article thereof, may be observed and fulfilled with good faith by the United States, and the citizens thereof.

In witness whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed. Done at the City of Washington, this eleventh day of January, [L. S.] in the year of our Lord one thousand eight hundred and twenty-three, and of the Independence of the United States the forty-seventh.

JAMES MONROE.

By the President:

JOHN QUINCY ADAMS,
Secretary of State.

A.

Count Nesselrode to Mr. Middleton.

The undersigned Secretary of State, directing the Imperial administration of Foreign Affairs has the honor to communicate to Mr. Middleton Envoy Extraordinary and Minister Plenipotentiary of the United States of America, the opinion which the Emperor, his master, has thought it his duty to express upon the object of the difference which have arisen between the United States and Great Britain, relative to the interpretation of the first article of the Treaty of Ghent.

Mr. Middleton is requested to consider this opinion as the award required of the Emperor by the two Powers.

He will doubtless recollect, that he, as well as the Plenipotentiary of His Britannic Majesty, in all his memorials, has principally insisted on the

grammatical sense of the first article of the Treaty of Ghent, and that, even in his note of the 4th [16th] November, 1821, he has formally declared, that it was on the signification of the words in the text of the article as it now is, that the decision of His Imperial Majesty should be founded.

The same declaration being made in the note of the British Plenipotentiary, dated 8th [20th] October, 1821, the Emperor had only to conform to the wishes expressed by the two parties, by devoting all his attention to the examination of the grammatical question.

The above mentioned opinion will show the manner in which His Imperial Majesty judges of this question; and in order that the Cabinet of Washington may also know the motives upon which the Emperor's judgment is founded, the undersigned has hereto subjoined an extract of some observations upon the literal sense of the first article of the Treaty of Ghent.

In this respect, the Emperor has confined himself to following the rules of the language employed in drawing up the act, by which the two Powers have required his arbitration, and defined the object of their difference.

His Imperial Majesty has thought it his duty, exclusively, to obey the authority of these rules, and his opinion could not but be the rigorous and necessary consequence thereof.

The undersigned eagerly embraces this occasion to renew to Mr. Middleton the assurances of his most distinguished consideration.

NESSELRODE.

St. Petersburg, *April* 22, 1822.

Aa.

His Imperial Majesty's Award.

Invited by the United States of America and by Great Britain to give an opinion, as arbitrator, in the differences which have arisen between these two Powers, on the subject of the interpretation of the first article of the treaty which they concluded at Ghent, on the 24th December, 1814, the Emperor has taken cognizance of all the acts, memorials, and notes, in which the respective Plenipotentiaries have set forth to his administration of foreign affairs the arguments upon which each of the litigant parties depends in support of the interpretation given by it to the said article.

After having maturely weighed the observations exhibited on both sides:

Considering that the American Plenipotentiary and the Plenipotentiary of Britain have desired that the discussion should be closed;

Considering that the former, in his note of the 4th (16th) November, 1821, and the latter, in his note of the 8th (20th) October, of the same year, have declared that it is upon the construction of the text of the article as it stands, that the arbitrator's decision should be founded, and that both have appealed, only as subsidiary means, to the general principles of the law of nations, and of maritime law;

The Emperor is of opinion "that the question can only be decided according to the literal and grammatical sense of the first article of the Treaty of Ghent."

As to the literal and grammatical sense of the first article of the Treaty of Ghent:

Considering that the period upon the signification of which doubts have arisen, is expressed as follows:

"All territory, places, and possessions, whatsoever, taken by either party from the other during the war, or which may be taken after the signing of this treaty, excepting only the islands hereinafter mentioned, shall be restored without delay, and without causing any destruction, or carrying away any of the artillery or other public property originally captured in the said forts or places, and which shall remain therein upon the exchange of the ratifications of this treaty, or any slaves, or other private property; and all archives, records, deeds, and papers, either of a public nature, or belonging to private persons, which, in the course of the war, may have fallen into the hands of the officers of either party, shall be, as far as may be practicable, forthwith restored and delivered to the proper authorities and persons to whom they respectively belong."

"Considering that, in this period, the words originally captured, and which shall remain therein upon the exchange of the ratifications, form an incidental phrase, which can have respect, grammatically, only to the substantives or subjects which precede;

That the first article of the Treaty of Ghent thus prohibits the contracting parties from carrying away from the places of which it stipulates the restitution, only the public property, which might have been originally captured there, and which should remain therein upon the exchange of the ratifications, but that it prohibits the carrying away from these same places, any private property whatever;

That, on the other hand, these two prohibitions are solely applicable to the places of which the article stipulates the restitution:

The Emperor is of opinion:

"That the United States of America are entitled to a just indemnification, from Great Britain, for all private property carried away by the British forces; and as the question regards slaves more especially, for all such slaves as were carried away by the British forces, from the places and territories of which the restitution was stipulated by the treaty, in quitting the said places and territories.

"That the United States are entitled to consider as having been so carried away, all such slaves as may have been transported from the above mentioned territories on board of the British vessels within the waters of the said territories, and who, for this reason, have not been restored.

"But that, if there should be any American slaves who were carried away from territories, of which the first article of the Treaty of Ghent has not stipulated the restitution to the United States, the United States are not to claim an indemnification for the said slaves."

The Emperor declares, besides, that he is ready to exercise the office of mediator, which has been conferred on him beforehand by the two States, in the negotiations which must ensue between them in consequence of the award which they have demanded.

Done at St. Petersburg, 22d April, 1822.

B.

Count Nesselrode to Mr. Middleton.

The undersigned Secretary of State, directing the Imperial administration of foreign affairs, has, without delay, laid before the Emperor, his master, the explanations into which the Ambassador of His Britannic Majesty has entered with the Imperial Ministry, in consequence of the preceding confidential communication which was made to Mr. Middleton, as well as to Sir Charles Bagot, of the opinion expressed by the Emperor upon the true sense of the 1st article of the Treaty of Ghent.

Sir Charles Bagot understands that, in virtue of the decision of His Imperial Majesty, "His Britannic Majesty is not bound to indemnify the United States for any slaves, who, coming from places which have never been occupied by his troops, voluntarily joined the British forces, either in consequence of the encouragement which His Majesty's officers had offered them, or to free themselves from the power of their master—these slaves not having been carried away from places or territories captured by His Britannic Majesty during the war, and, consequently, not having been carried away from places of which the article stipulates the restitution."

In answer to this observation, the undersigned is charged by His Imperial Majesty to communicate what follows to the Minister of the United States of America.

The Emperor having, by the mutual consent of the two Plenipotentiaries, giving an opinion, founded solely upon the sense which results from the text of the article in dispute, does not think himself called upon to decide here any question relative to what the laws of war permit or forbid to the belligerents; but, always faithful to the grammatical interpretation of the 1st article of the Treaty of Ghent, His Imperial Majesty declares, a second time, that it appears to him according to this interpretation;

"That, in quitting the places and territories of which the Treaty of Ghent stipulates the restitution to the United States, His Britannic Majesty's forces had no right to carry away from these same places and territories, absolutely, any slave, by whatever means he had fallen or come into their power.

"But that if, during the war, American slaves had been carried away by the English forces, from other places than those of which the Treaty of Ghent stipulates the restitution, upon the territory, or on board British vessels, Great Britain should not be bound to indemnify the United States for the loss of these slaves, by whatever means they might have fallen or come into the power of her officers."

Although convinced, by the previous explanations above mentioned, that such is also the sense which Sir Charles Bagot attaches to his observation, the undersigned has nevertheless received from His Imperial Majesty orders to address the present note to the respective Plenipotentiaries, which will prove to them, that, in order the better to justify the confidence of the two Governments, the Emperor has been unwilling that the slightest doubt should arise regarding the consequences of his opinion.

The undersigned eagerly embraces this occasion of repeating to Mr. Middleton the assurance of his most distinguished consideration.

NESSELRODE.

St. Petersburg, 22*d April*, 1822.

We, the undersigned, having this day met in the city of Washington to exchange the ratifications of the Convention concluded and signed at St. Petersburg, on the 30th day of June, (12th day of July,) 1822, by the respective Plenipotentiaries of the United States of America, His Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the Emperor of all the Russias, do hereby certify that, at the time of exchanging the said ratifications, it was agreed by us, for our respective Governments, conformably to the seventh article of the above mentioned Convention, that the salary or compensation of the commissioners and arbitrators mentioned therein, shall be at the rate of one thousand pounds sterling, or four thousand four hundred and forty-four dollars, to each commissioner, and of seven hundred and fifty pounds sterling, or three thousand three hundred and thirty-three dollars, to each arbitrator, per annum, from the time of the first meeting of the commissioners at Washington, until the final dissolution of the Board, to be paid quarterly; with an additional allowance, to be paid with the first quarter's salary, of six hundred pounds sterling to the commissioners, and of the same sum to the arbitrator, to be appointed on the part of His Britannic Majesty, in consideration of their being called upon to exercise their functions at a distance from their country; and of a sum of five hundred pounds sterling to each of them, at the close of the commission, for their return home.

It was also agreed by us, that the compensation of the Secretary of the said Board of Commissioners, shall be at the rate of four hundred and fifty pounds sterling, or two thousand dollars, a year, to commence from the period of his appointment, until the final dissolution of the Board.

And it was lastly agreed by us, that the said salaries and additional allowances shall, like the contingent expenses of the commission, be defrayed jointly by the United States and His Britannic Majesty; the said expenses to be laid before the Board at the end of each quarter, and, after being ascertained and allowed by a majority of the Board, to be divided, including salary and

allowance, as above, into two moieties, for each of which the commissioners on either side shall draw, respectively, on the proper departments of their own Governments.

In witness whereof, we have hereunto set our hands and affixed our seals, at Washington, this tenth day of January, one thousand eight hundred and twenty-three.

JOHN QUINCY ADAMS, [L. S.]
STRATFORD CANNING. [L. S.]

TREATY OF GHENT—BOUNDARIES.

[Communicated to the House, March 1, 1823.]

Message from the President of the United States, transmitting a report of the Secretary of State, in relation to the transactions of the Commissioners under the sixth and seventh articles of the Treaty of Ghent; also, the measures which have been taken under the fourth article of the Treaty with Spain, of February 22, 1819, for fixing the boundary line described in the third article of the last-mentioned Treaty.

WASHINGTON, *February* 26, 1823.

To the House of Representatives of the United States:

I transmit to the House of Representatives, in pursuance of a resolution of that House, of the 30th of January last, a report from the Secretary of State, containing the information required in relation to the transactions of the Commissioners under the sixth and seventh articles of the Treaty of Ghent; and, also, as to the measures which have been taken, under the fourth article of the Treaty with Spain, of the 22d of February, 1819, for fixing the boundary line described in the third article of the last-mentioned treaty.

JAMES MONROE.

DEPARTMENT OF STATE,
Washington, February 25, 1823.

The Secretary of State, to whom has been referred a resolution of the House of Representatives of the United States, of the 30th of January last, requesting the President of the United States to lay before the House, information, not previously communicated to Congress, in relation to the transactions of the Commissioners under the 6th and 7th articles of the Treaty of Ghent; and, also, to inform the House, whether any, and what, measures have been taken under the 4th article of the treaty with Spain, of the 22d of February, 1819, for fixing the boundary line described in the third article of the last mentioned treaty, and whether any part of the said line has been fixed and designated; has the honor of reporting to the President:

That the Commissioners aforesaid, under the 6th and 7th articles of the Treaty of Ghent, have had several meetings in the course of the last year, and that, at a meeting held by them at Utica, in the State of New York, on the 18th of June last, they agreed upon, and executed, an instrument, containing their decision of the questions submitted to them under the 6th article of the Treaty of Ghent, a copy of which decision is herewith respectfully reported. And with the same decision there have been returned to this Department a series of twenty-three maps, upon which the boundary line is delineated in conformity with it.

That, at the same meeting, the Secretary and Assistant Secretary were directed to furnish the Agents, and the principal Surveyors, respectively, with a copy of instructions relative to the survey under the seventh article.

A copy of these instructions is herewith submitted, together with extracts of letters from the Agent of the United States, under this Commission, dated the 24th of July and 24th of September last, showing the progress made by the Commission in reference to the seventh article, and the prospects, with regard to the time when the duties of the said Commissioners may probably be completed.

With regard to the boundary line referred to in the fourth article of the treaty with Spain, of 22d February, 1819, it was stipulated by the said article that commissioners and surveyors should be appointed by the contracting parties, who should meet at Natchitoches, on the Red river, before the termination of one year from the date of the ratification of the treaty, and proceed to run and mark the line. The Spanish Government, although repeatedly pressed, on the part of the United States, to appoint those officers on their part, so that they might have met those of the United States, within the limited time, postponed the appointment, so that notice of it was not given until after the year had elapsed.

Under a misapprehension that the difference of opinion between the two Houses of Congress at their last session, with regard to the appropriation for running this line, had resulted in the omission to make it, a communication to that effect was made to the Minister of Spain, in this country, shortly after the close of the session. But, the error having been, a few days after, discovered, he was informed, by a letter of 29th of May last, from this Department, that the appropriation had been made, and that this Government was then ready to proceed to the execution of the article.

He was also requested to state, at what time the Commissioner and Surveyor on the part of Spain would be at Natchitoches, and was assured that the Commissioner and Surveyor on the part of the United States would be instructed to meet them at that place, and at the time which he should designate as that when the Commissioner and Surveyor of Spain would be there.

By a communication from Mr. Anduaga, dated the 1st of June last, he stated that, having immediately forwarded to his Government the previous notice received from this Department, he could not say at what time the Spanish Commissioners would repair to Natchitoches; but that His Majesty the King of Spain would take the most speedy and efficacious measures for carrying into effect, on his part, the stipulations of the treaty.

The Minister of the United States in Spain was shortly afterwards instructed, that, if the Spanish Government should be desirous of postponing the meeting of the Commissioners to run the line, we should not be disposed to urge them to it; but that we should be ready to attend to it at their convenience. No further determination from the Spanish Government concerning it has since been received.

All which is respectfully submitted.

JOHN QUINCY ADAMS.

Papers sent.

Decision of the Commissioners,	18th June, 1822
Extract from the minutes of the proceedings of the Board of Commissioners, under the 6th article of the Treaty of Ghent,	" " "
Extract of a letter from Mr. Delafield to the Secretary of State - - - - - -	24th July, 1822
Extract of a letter from same to same - - - - - -	24th Sept., 1822

Decision of the Commissioners.

The undersigned Commissioners, appointed, sworn, and authorized, in virtue of the 6th article of the treaty of peace and amity between His Britannic Majesty and the United States of America, concluded at Ghent, on the 24th December, 1814, impartially to examine, and by a report or declaration under their hands and seals to designate, that portion of the boundary of the United States "from the point where the 45th degree of north latitude strikes the river Iroquois, or Cataraqui, along the middle of said river, into Lake Ontario; through the middle of said lake, until it strikes the communication by water between that lake and Lake Erie; thence, along the middle of said communication, into Lake, Erie; through the middle of said lake, until it arrives at the water communication into Lake Huron; thence, through the middle of said water communication into Lake Huron; thence, through the middle of said lake, to the water communication between that lake and Lake Superior;"—and to "decide to which of the two contracting parties the several islands lying within the said rivers, lakes, and water communications, do respectively belong, in conformity with the true intent of the treaty of 1783"—do decide and declare that the following described line (which is more clearly indicated on a series of maps accompanying this report, exhibiting correct surveys and delineations of all the rivers, lakes, water communications, and islands, embraced by the sixth article of the Treaty of Ghent, by a black line, shaded on the British side with red, and on the American side with blue; and each sheet of which series of maps is identified by a certificate, subscribed by the commissioners, and by the two principal surveyors employed by them) is the true boundary intended by the two beforementioned treaties; that is to say:

Beginning at a stone monument, erected by Andrew Ellicott, Esq., in the year 1817, on the south bank or shore of the said river Iroquois or Cataraqui, (now called the St. Lawrence,) which monument bears south 74° 45′ west, and is eighteen hundred and forty yards distant from the stone church in the Indian village of St. Regis, and indicates the point at which the 45th parallel of north latitude strikes the said river; thence, running north 35° 45′ west into the river, on a line at right angles with the southern shore, to a point one hundred yards south of the opposite island, called Cornwall Island; thence, turning westerly, and passing around the southern and western sides of said island, keeping one hundred yards distant therefrom, and following the curvatures of its shores, to a point opposite to the northwest corner or angle of said island; thence, to and along the middle of the main river, until it approaches the eastern extremity of Barnhart's island; thence, northerly, along the channel which divides the last-mentioned island from the Canada shore, keeping one hundred yards distant from the island, until it approaches Sheik's Island; thence, along the middle of the strait which divides Barnhart and Sheik's Islands, to the channel called the Long Sault, which separates the two last-mentioned islands from the lower Long Sault Island; thence, westerly, (crossing the centre of the last-mentioned channel,) until it approaches within one hundred yards of the north shore of the Lower Sault Island; thence, up the north branch of the river, keeping to the north of and near the Lower Sault Island, and also north of and near the Upper Sault (sometimes called Baxter's) Island, and south of the two small islands marked on the map A and B, to the western extremity of the Upper Sault or Baxter's Island; thence, passing between the two islands called the Cats, to the middle of the river above; thence, along the middle of the river, keeping to the north of the small islands marked C and D, and north also of Chrystler's Island, and of the small island next above it marked E, until it approaches the northwest angle of Goose Neck Island; thence, along the passage which divides the last-mentioned island from the Canada shore, keeping one hundred yards from the island, to the upper end of the same; thence, south of and near the two small islands called the Nut Islands; thence, north of and near the island marked F, and also of the island called Dry or Smuggler's Island; thence, passing between the islands marked G and H, to the north of the island called Isle au Rapid Plat; thence, along the north side of the last-mentioned island, keeping one hundred yards from the shore, to the upper end thereof; thence, along the middle of the river, keeping to the south of and near the islands called Cousson (or Tussiu) and Presque Isle; thence, up the river, keeping north of and near the several Gallop Isles, numbered on the map 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, and also of Tick, Tibbet's, and Chimney Islands, and south of and near the Gallop Isles, numbered 11, 12, and 13, and also of Duck, Drummond, and Sheep Islands; thence, along the middle of the river, passing north of island No. 14, south of 15 and 16, north of 17, south

of 18, 19, 20, 21, 22, 23, 24, 25, and 28, and north of 26 and 27; thence, along the middle of the river, north of Gull Island and of the islands No. 29, 32, 33, 34, 35, Bluff Island, and No. 39, 44, and 45, and to the south of No. 30, 31, 36, Grenadier Island, and No. 37, 38, 40, 41, 42, 43, 46, 47, and 48, until it approaches the east end of Wells' Island; thence, to the north of Wells' Island, and along the strait which divides it from Rowe's Island, keeping to the north of the small islands No. 51, 52, 54, 58, 59, and 61, and to the south of the small islands numbered and marked 49, 50, 53, 55, 57, 60, and X, until it approaches the northeast point of Grindstone Island; thence, to the north of Grindstone Island, and keeping to the north also of the small islands No. 63, 65, 67, 68, 70, 72, 73, 74, 75, 76, 77, and 78, and to the south of No. 62, 64, 66, 69, and 71, until it approaches the southern point of Hickory Island; thence, passing to the south of Hickory Island, and of the two small islands lying near its southern extremity, numbered 79 and 80; thence, to the south of Grand, or Long Island, keeping near its southern shore, and passing to the north of Carlton Island, until it arrives opposite to the southwestern point of said Grand Island, in Lake Ontario; thence, passing to the north of Grenadier, Fox, Stoney, and the Gallop Islands, in Lake Ontario, and to the south of and near the islands called the Ducks, to the middle of said lake; thence, westerly, along the middle of said lake, to a point opposite to the mouth of the Niagara river; thence, to and up the middle of the said river, to the Great Falls: thence, up the falls, through the point of the Horse Shoe, keeping to the west of Iris, or Goat Island, and of the group of small islands at its head, and following the bends of the river so as to enter the strait between Navy and Grand Islands; thence, along the middle of said strait, to the head of Navy Island; thence, to the west and south of, and near to, Grand and Beaver Islands, and to the west of Strawberry, Squaw, and Bird Islands, to Lake Erie; thence, southerly and westerly, along the middle of Lake Erie, in a direction to enter the passage immediately south of Middle Island, being one of the easternmost of the group of islands lying in the western part of said lake; thence, along the said passage, proceeding to the north of Cunningham's Island, of the three Bass Islands, and of the Western Sister, and to the south of the islands called the Hen and Chickens, and of the Eastern and Middle Sisters; thence, to the middle of the mouth of the Detroit river, in a direction to enter the channel which divides Bois Blanc and Sugar Islands; thence, up the said channel, to the west of Bois Blanc Island, and to the east of Sugar, Fox, and Stoney Islands, until it approaches Fighting, or Great Turkey Island; thence, along the western side, and near the shore of said last mentioned island, to the middle of the river above the same; thence, along the middle of said river, keeping to the southeast of and near Hog Island, and to the northwest of and near the island called Isle a la Peche, to Lake St. Clair; thence, through the middle of said lake, in a direction to enter that mouth or channel of the river St. Clair which is usually denominated the old ship channel; thence, along the middle of said channel, between Squirrel Island, on the southeast, and Herson's Island on the northwest, to the upper end of the last mentioned island, which is nearly opposite to Point aux Cheneson, on the American shore; thence, along the middle of the river St. Clair, keeping to the west of and near the islands called Belle Riviere Isle, and Isle aux Cerfs, to Lake Huron; thence, through the middle of Lake Huron, in a direction to enter the strait or passage between Drummond's Island on the west, and the Little Manitou Island on the east; thence, through the middle of the passage which divides the two last mentioned islands; thence, turning northerly and westerly, around the eastern and northern shores of Drummond's Island, and proceeding in a direction to enter the passage between the island of St. Joseph's and the American shore, passing to the north of the intermediate islands, No. 61, 11, 10, 12, 9, 6, 4, and 2, and to the south of those numbered 15, 13, 5, and 1; thence, up the said last mentioned passage, keeping near to the island St. Joseph's, and passing to the north and east of the Isle a la Crosse, and of the small islands numbered 16, 17, 18, 19, and 20, and to the south and west of those numbered 21, 22, and 23, until it strikes a line (drawn on the map with black ink, and shaded on one side of the point of intersection with blue, and on the other with red) passing across the river at the head of St. Joseph's Island, and at the foot of the Neebish Rapids; which line denotes the termination of the boundary directed to be run by the 6th article of the Treaty of Ghent.

And the said Commissioners do further decide and declare, that all the islands lying in the rivers, lakes, and water communications, between the before-described boundary line and the adjacent shores of Upper Canada, do, and each of them does, belong to His Britannic Majesty; and that all the islands lying in the rivers, lakes, and water communications, between the said boundary line and the adjacent shores of the United States, or their territories, do, and each of them does, belong, to the United States of America, in conformity with the true intent of the second article of the said treaty of 1783, and of the 6th article of the Treaty of Ghent.

In faith whereof, we, the Commissioners aforesaid, have signed this declaration, and thereunto affixed our seals.

Done in quadruplicate, at Utica, in the State of New York, in the United States of America, this eighteenth day of June, in the year of our Lord one thousand eight hundred and twenty-two.

PETER B. PORTER, [L. S.]
ANTH. BARCLAY, [L. S.]

Extract from the minutes of the proceedings of the Board of Commissioners, under the sixth article of the Treaty of Ghent, held at Utica, in the State of New York, on the 18th June, 1822.

The secretary and assistant secretary are directed to furnish the agents, and the principal survey-

ors, respectively, with a copy of the following instructions, relative to the survey under 7th article, viz:

The Commissioners have deemed it proper to prepare the following written instructions, for the guidance of the agents and principal surveyors, in ascertaining the course of the boundary, &c., under the 7th article of the treaty, comporting with the verbal directions given to the surveyors at the commencement of the present season.

It is required, that the direction which the true line intended by the treaty, shall take, be ascertained from the point where the boundary, under the 6th article, terminated, near the head of St. Joseph's Island, below the Neibish Rapids, proceeding "through Lake Superior, northward of the Isles Royal and Philipeaux, to the Long Lake; thence, through the middle of said Long Lake and the water communication between it and the Lake of the Woods, to the Lake of the Woods; thence, through the said lake, to the most northwestern point thereof."

In your operations to effect this object, the commissioners do not require you to commence at the nearest end of the contemplated line, nor to conduct your survey in continuity; but they confide in your discretion to proceed in such manner, relatively to the several parts thereof, as the convenience or necessities of the seasons and other causes may, in your judgment, render most proper.

In ascertaining the boundary, under the 7th article, you are aware that it is not our intention to pursue the course of a trigonometrical survey, observed under the 6th. It will, however, be desirable that we have a survey of the shores and islands between the foot of the Neibish Rapids and Lake Superior. It will also be desirable to have the latitude and longitude of some point at the gorge of Lake Superior.

In proceeding through Lake Superior, to the northward of the isles Royal and Philipeaux, (if there be any of the last name,) examine whether any islands lie so near the boundary line described in the treaty, as to render it doubtful on which side of the said line they may be situated; and, if any such be found, ascertain, by the most easy and expeditious means, the shape and extent of them, as well as of the isles Royal and Philipeaux, and also their geographical position, either by astronomical observations, or by triangles connecting them with the main shore or other islands, whose position is known.

After passing Lake Superior, ascertain the position of the Long Lake, or (if no lake of that name is to be found) the chain of waters supposed to be referred to in the treaty by that designation. Should you discover (as you probably will) that these waters do not communicate with Lake Superior, ascertain what rivers or waters, divided by a height of land, and emptying, one into Lake Superior, and the other into the Lake of the Woods, approximate most nearly. Fix the latitude and longitude of their points of approximation, and perambulate these waters, downwards, observing their courses and distances, and also the islands in them, their situation and extent. Fix the latitudes and longitudes at which these rivers communicate with the respective lakes.

As to the Lake of the Woods, make such rapid surveys of its shores and islands as, upon examination thereof, you may deem necessary to a fair designation of the boundary. In fixing the latitude and longitude of "the most northwestern point of the Lake of the Woods," great care and accuracy must be observed. As regards the other geographical points, mentioned in these instructions, you will determine them with ordinary certainty. You are desired to report to the commissioners, severally, and from time to time, such matters as relate to your then past transactions, and such discoveries as you may have made, and which, in your opinion, may influence your future progress in the duties with which you are charged.

After perambulating and ascertaining the approximating waters between Lake Superior and the Lake of the Woods, if any doubt should be entertained by you as to the direction which the boundary ought to take, we wish to be advised of it as early as practicable, in order that we may proceed, if necessary, to that place to determine such difficulty.

It is expected of the agents that they will be prompt and vigilant in supplying all the wants of the surveyors, and of their parties; and that they will, at all times, whether present or absent, assist them with their advice.

Extract of a letter from Mr. Joseph Delafield, Agent under the 6th and 7th articles of the Treaty of Ghent, to the Secretary of State.

"WASHINGTON, *July* 24, 1822.

"In respect to the seventh article of the treaty, great pains has been taken by the Commissioners to effect its speedy execution. The American party now employed consists of a principal surveyor and one assistant, who is also the draughtsman, with a few batteau-men to conduct their boats and provisions.

"I accompanied our party to Lake Superior, in which neighborhood they had commenced their work, and before I left them every arrangement was made to subsist them during the present, and the Summer of the next year, in the Northwest Territory. With the supplies afforded and contemplated, together with the provisional arrangements I was enabled to effect, through the kindness of the Agent of the American Fur Company (in case of accidents) at all their trading posts, I do not doubt the maintenance of this party in the Indian country for the time specified; and should the British surveyors render an equal service, and, together with our own, prove successful in the performance of the duty expected of them, there is a well-founded belief that the surveys, and all essential observations and information will be obtained, previous to their return.

"The passage from Lake Superior to Long Lake, mentioned in the treaty, (which probably means Rainy Lake,) may demand more time and labor to explore than has been apprehended. The

old Grand Portage route has of late been abandoned by the British traders, and a more northern route assumed. Whether the one or the other of these routes, or an intermediate one, is to be the boundary line, can only be ascertained by explorations, of much hardship and labor, on account of the formation of the country which divides the waters that flow into Lake Superior from those that flow toward, and into, the Lake of the Woods. The Southern, or Fond-du-lac route does not seem to be in question, although it has, by some persons, been improvidently suggested. From the Rainy Lake to the Lake of the Woods, the water communication is said to be direct, and the greatest task to encounter there will be to produce, in a summary way, a chart of the latter lake, sufficiently accurate to designate the line through the numerous islands it contains. The exact, but laborious trigonometrical survey heretofore conducted, it has been determined to abandon, and the surveyors are instructed to ascertain the desired information by a more rapid method, (as described in the journal,) with sufficient certainty for the just purposes of the commission. Besides these requisitions of the surveyors, there will be several points of latitude and longitude to be determined, and some of them with great care and accuracy, particularly that of the northwest point of the Lake of the Woods.

"I have mentioned these several objects, to show that, although there is a reasonable prospect that the works may be perfected in another season, yet, that there may be obstacles which our imperfect knowledge of the country must keep concealed until our own investigations shall disclose them. From the line of trading posts, but little can be learned that is satisfactory of this part of the Northwest territory; and as it will sometimes occur, that the surveyors must explore a section that is unknown, and even untrod, but by the hunter, I think there has already been made the best prediction of the time it may consume."

Extract of a letter from Joseph Delafield, Agent, under the 6th and 7th articles of the Treaty of Ghent, to the Secretary of State, dated

"Boston, *Sept.* 24, 1822.

"Since I had last the honor to address you, I have made known to the American commissioner that the Long lake, mentioned in the treaty of 1783, (which lake is unknown at the present day by that name,) is a sheet of water, or passage, near the old Grand Portage from Lake Superior, and is so laid down and described upon the map used for the purposes of that treaty, as appears by the same in your office.

"I have also communicated this fact to our surveyor employed in the Northwest.

"My last accounts from him state, that he should be at Lac-la-Pline by the middle of August last, and that, in his way there, he should take the old Grand Portage route, which is the Long lake route, as now properly understood. The British party were to proceed by the same route. I am much gratified to have it in my power to give these particulars, because there is no longer any serious question open as to the general course that the line is intended to be run; and because it is now more certain that, upon the return of the surveyors the next season, the board will be possessed of all necessary information to determine the doubts under the 7th article of the treaty, and designate the line."

SETTLEMENT AT THE MOUTH OF COLUMBIA RIVER.

[Communicated to the House, January 27, 1823.]

To the House of Representatives of the United States:

I transmit, herewith, to the House of Representatives, a report from the Secretary of State, together with the document and information requested by the resolution of the House of the 19th of December last, relating to the establishment at the mouth of Columbia river.

JAMES MONROE.

Washington, *Jan.* 25, 1823.

Department of State,
Washington, Jan. 24, 1823.

The Secretary of State, to whom has been referred the resolution of the House of Representatives of the 19th of December last, requesting of the President of the United States "to lay before that House so much of the letter of Mr. Prevost as relates to the establishment at the mouth of Columbia river, and such information as he may have in his possession in relation to the arrangements made, about the year 1824, by the Northwest Company, with the proprietors of a settlement made by citizens of the United States at the mouth of Columbia river, by which that company became possessed of that settlement," has the honor of reporting to the President copies of the papers requested by that resolution.

JOHN Q. ADAMS.

Mr. J. B. Prevost to the Secretary of State.

Monterey, New California,
November 11, 1818.

Sir: In conformity with mine of the 27th July, which I had the honor to address to your Department from Lima, I proceeded in His Britannic Majesty's sloop of war Blossom to the mouth of the Columbia, and entered the river on the 1st of October following. A few days thereafter, to wit, on the 6th, as you will perceive by referring to a copy of the act of surrender, (marked A,) I received in the name, and on the part of the United States, the possession of the establishment at Fort George, made under the first article of the Treaty of Ghent, by Captain Hickey, of the royal navy, in compliance with the orders of the Prince Regent for that purpose, signified to him through the medium of Earl Bathurst. The British flag was, thereupon, lowered, and that of the United States

hoisted in its stead; where it now waves, in token both of possession and of sovereignty.

The establishment, of which the annexed sketch (marked B) will give you a correct idea, has been considerably extended and improved by the agents of the Northwest Company of Canada, who will continue to occupy and protect it, under our flag, until it shall please the President to give orders for their removal. I will, however, suggest that, when such disposition shall take place, time ought to be granted, in a ratio with the distance, to enable them to obtain the means of transporting the private property deposited there, consisting of dry goods, furs, and implements of war, to a large amount.

Shortly after the ceremony of surrender, I received a note on this subject from Mr. Keith, the gentleman whose signature accompanies that of Captain J. Hickey, which, together with a copy of my answer, (also marked B,) is submitted for your inspection. A sense of justice would have dictated the assurances I have given him in reply; but I had a further motive, which was that of subsiding the apprehensions excited by the abrupt visit of the Ontario. It appeared to me prudent, in this view, to take no notice of the suggestion relative to the discussion of boundary, and, in answering, to avoid any intimation of immediate or of future removal; as either might have induced him to form a settlement elsewhere on the river, and thus have given rise to collisions between the two Governments, which may now be wholly avoided.

The bay is spacious; contains several anchoring places, in a sufficient depth of water; and is, by no means, so difficult of ingress as has been represented. Those enjoying the exclusive commerce have probably cherished an impression unfavorable to its continuance, growing out of the incomplete survey of Lieutenant Broughton, made under the orders of Vancouver in 1792. It is true that there is a bar extending across the mouth of the river, at either extremity of which are, at times, appalling breakers; but it is equally true that it offers, at the lowest tides, a depth of twenty-one feet of water through a passage, exempt from them, of nearly a league in width. The Blossom, carrying more guns than the Ontario, encountered a change of wind while in the channel; was compelled to let go her anchor; and, when again weighed, to tack and beat, in order to reach the harbor; yet found a greater depth, and met with no difficulty either then or on leaving the bay. The survey (marked C) may be relied upon for its accuracy. The bearings, distances, and soundings, were taken by Captain Hickey, who was kind enough to lend himself to the examination, and to furnish me with this result. It is the more interesting, as it shows that, with the aid of buoys, the access to vessels of almost any tonnage may be rendered secure. In addition to this, it is susceptible of entire defence; because a ship, after passing the bar, in order to avoid the breaking of the sea on one of the banks, is obliged to bear up directly for the knoll forming the cape; at all times to approach within a short distance of its base; and most frequently there to anchor. Thus a small battery erected on this point, in conjunction with the surges on the opposite side, would so endanger the approach as to deter an enemy however hardy, from the attempt.

This outlet, the only one between the thirty-eighth and fifty-third degrees of latitude, embraces the entire range of country from the ocean to the mountains; and its interior unites the advantage of a water communication throughout, by means of the many streams tributary to the Columbia two of which disembogue opposite to each other within twenty-five leagues of the port, are navigable, and nearly of equal magnitude with this beautiful river. The ocean teems with otter, (*mustela lutica,*) the seal, and the whale; while the main land affords, in innumerable quantities, the common otter, (*mustela lutica,*) the bear, the buffalo and the whole variety of deer.

It has been observed, by exploring this coast that the climate, to the southward of fifty-three degrees, assumes a mildness unknown in the same latitude on the eastern side of the continent. Without digressing to speculate upon the cause, I will merely state, that such is particularly the fact in forty-six degrees sixteen minutes, the site of Fort George. The mercury, during the Winter, seldom descends below the freezing point; when it does so it is rarely stationary for any number of days; and the severity of the season is more determined by the quantity of water than by its congelation. The rains usually commence with November, and continue to fall partially until the latter end of March, or beginning of April. A benign Spring succeeds; and when the Summer heats obtain, they are so tempered by showers as seldom to suspend vegetation. I found it luxuriant on my arrival, and, during a fortnight's stay, experienced no change of weather to retard its course. The soil is good; all the cereal gramina and tuberous plants may be cultivated with advantage; and the waters abound in salmon, sturgeon, and other varieties of fish.

The natives, in appearance as well as in character, differ essentially from those with us. They are less in stature, more delicately formed, and singular in the shape of the head, which, in infancy, is compressed between two small plates of wood or metal, so as in its growth to obtain the semblance of a wedge. They are inquisitive, cheerful, sagacious, possess fewer of the vices attributed to the savage, and are less addicted to cruelties in war. Scalping is unknown to them; and a prisoner suffers the infliction of no other punishment than that of becoming slave to the captor; but as they neither sow nor reap, an observer cannot easily discern in what the servitude consists. The wants of the one are supplied by his own address in the use of the bow and spear; while those of the other require the same efforts, and equal skill, for their gratification.

The language on this side of the falls bear a strong analogy with that of Nootka; so much so, that, with the aid of a Spanish vocabulary of the latter, accompanying the voyage of Valdez, I could, notwithstanding the imperfection in this mode of conveying and of obtaining sounds, ex-

press my wants and be perfectly understood. I met with several of the natives who had heretofore volunteered on board of some one of our vessels in their fur excursions; two of whom had acquired a sufficient knowledge of our language to speak it with some ease, and were extremely solicitous to embark with us.

I regret that I could not collect sufficient data upon which to ground an estimate of the furs gathered on the Columbia; it was impossible, for reasons that are obvious. Humboldt has undertaken to number those of the otter taken on the coast and shipped to China, of which he assigns five-sixths to the Americans. He may be correct as to the quantity, but I doubt whether the proportion be quite so great; as it frequently happens that the English adventurer confides his stock to our countrymen, in order to participate in the benefit of a market, from a direct intercourse with which he is excluded by the laws of his country.

Perhaps I have gone too much into detail; but it appeared to me that, by exhibiting the importance of the position only, I should not have fulfilled the object of the President; that it was equally incumbent on me to present a view of the country, of its inhabitants, of its resources, of its approach, and of its means of defence. I shall now conclude with the relation of an occurrence which may and ought to influence the course to be adopted and pursued as to this station.

The speculations of Humboldt, and his glowing description of the soil and climate of this province, have probably given a new direction to the ambition of Russia, and determined its Emperor to the acquisition of empire in America. Until 1816, the settlements of this Power did not reach to the southward of 58°,* and were of no consideration, although dignified by them with the title of Russian America.

In the commencement of that year two distinct establishments were made, of a different and of a more imposing character. The first at Atooi, one of the Sandwich islands; the other in this vicinity, within a few leagues of St. Francisco, the most northerly possession of Spain, in 57° 56′. The sketch I subjoin (marked D) was procured from a member of the Government at this place, from whom I also learned that its augmentation has since become so considerable as to excite serious alarm. Two Russian ships left this on their way thither a few days anterior to our arrival—one having on board mechanics of every description, together with implements of husbandry. We passed sufficiently near the spot assigned to it to distinguish the coast with some precision, and ascertained that it was an open road—a circumstance that renders the position liable to many objections, if intended to be permanent; in other respects, the choice is judicious for an infant colony. It enjoys a climate still milder than that of Columbia; is environed by a beautiful country; and its proximity to an old settlement enables the Russians to partake of the numerous herds of black cattle and horses that have been there multiplying for the last fifty years. The port of St. Francis is one of the most convenient, extensive, and safe in the world, wholly without defence, and in the neighborhood of a feeble, diffused, and disaffected population. Under all these circumstances, may we not infer views to the early possession of this harbor, and ultimately to the sovereignty of entire California? Surely the growth of a race on these shores, scarcely emerged from the savage state, guided by a chief who seeks not to emancipate, but to inthral, is an event to be deprecated—an event, the mere apprehension of which ought to excite the jealousies of the United States, so far at least as to induce the cautionary measure of preserving a station which may serve as a barrier to a northern aggrandizement.

I have not been able to gather other information respecting the settlement at Atooi than that of an assurance of its existence—a fact corroborated by the visit of the two ships to those islands in their route hither. The Russians are not yet such enterprising navigators as to augment sea risks by extending a voyage several thousand miles without an object. Such was the case in this instance, unless connected with the settlement, as they had sailed from Lima abundantly supplied, a few weeks prior to my first visit to that city, in April last.

These islands yield the sandal wood, so much esteemed in China, and have been resorted to by our vessels, for years past, not only in search of this valuable article, but of the necessary stock of fresh provisions to supply the crew during their cruise on the Northwest coast. How far this intercourse may be affected, hereafter, by this encroachment, is also a subject for the consideration of the President.

I have taken the liberty to enclose a note (marked E) of the authorities, Spanish as well as English, that have fallen under my view, illustrating the discovery of the Columbia by Mr. Gray, in 1791. Its subsequent occupation in 1811, by which the sovereignty of the United States was completed, to the exclusion of any European claimant, is a fact of which the surrender of the sole establishment on the river is conclusive evidence.

I have the honor to be, &c.,

J. B. PREVOST.

Mr. J. J. Astor to the Secretary of State.

New York, *January* 4, 1823.

Sir: I had the honor to receive your letter of the 24th ultimo. Indisposition has prevented my acknowledging the receipt thereof at an earlier period.

You request information of arrangements made at about 1814, by the Northwest Company and citizens of the United States, by which that company became possessed of a settlement made at the mouth of Columbia river by citizens of the United States. The settlement to which you

* Chart of the discoveries of Russian navigators, published by order of the Emperor in 1802, referred to by Humboldt in his View of New Spain, (translation,) page 270, 2d vol. (note.)

allude, I presume, is "Astoria," as I know of no other having been made at or near the mouth of that river. Several circumstances are alleged as having contributed to the arrangement by which the Northwest Company became in possession of that settlement, but chiefly to the misuse of the confidence which had been placed in Mr. McDougall, who, at the time the arrangement was made, and at the time my chief agent, Mr. Wilson P. Hunt, was absent, acted as sub-agent.

I beg leave briefly to state, that, contemplating to make an establishment at the mouth of Columbia river, which should serve as a place of depot, and give further facilities for conducting a trade across this continent to that river, and from thence, on the range of Northwest coast, &c., to Canton, in China, and from thence to the United States, arrangements were accordingly made, in 1810, for a party of men to cross the continent for the Columbia river. At the same time, I fitted the ship Tonquin, carrying twenty guns and sixty men, commanded by the late Captain Thorn, Lieutenant of the United States Navy. This ship sailed in Semtember, 1810, having on board the means for making an establishment at Columbia, where she arrived on 22d March, 1811. They landed, found the natives friendly, and built a fort, erected a house, store, &c. This being accomplished, Captain Thorn left thirty men in possession of the place, to await the party who were to make the voyage over land; these also happily arrived, though not till several months after. On or about the 1st of June, Captain Thorn left Columbia river with a view to make some trade on the coast, and then to return to the river; but, unfortunately, Captain Thorn never returned. At about two hundred miles north of the Columbia, he put in a bay to trade with the natives. Not attending to the precautions necessary, as he had been instructed to do, to guard against attack, he suffered a whole tribe of Indians to come on board and about his ship; an attack was made; he was overpowered; fire was communicated to the magazine; the ship was blown up; and every soul on board, or near her, perished.

In 1811, I fitted out another ship, the Beaver, carrying twenty guns, with a duplicate cargo of the ship Tonquin, and sixty or seventy men. The captain (Sowle) was instructed to sail for Columbia river, and in search of the men who were sent across the continent, as also of the Tonquin. The Beaver sailed from this in October, 1811, arrived at Columbia in May following, found the establishment, and landed such men, goods, provisions, &c., as the establishment was in need of. My instructions to the captain were, that, after supplying the establishment, he should proceed to Chatka, a Russian settlement, for the purpose of trade; and then return to Columbia, take what furs we had, and proceed to Canton, and from thence to New York. He accordingly left Columbia; and, most unfortunately, Mr. Hunt, of Trenton, New Jersey, my chief agent, left the river with him, sailed as directed, for the Russian settlement, and effected their object; but, instead of following instructions to return to Columbia, he sailed direct for Canton, leaving Mr. Hunt at one of the Sandwich islands, to await the arrival of another ship which I had promised to send from this in 1812. The ship Beaver arrived at Canton, and received there the news of war. I had sent orders to the captain to return to Astoria, but he was fearful of being captured, and remained safely at Canton till the war was over, when he came home. In consequence of the war, I found it inconvenient to send a ship in 1812; but I did send one (the Lark) early in 1813, with directions to the captain to sail for Columbia river, and to stop at the Sandwich islands for information. Being within a few days' sail of those islands, the ship, in a squall of wind, was upset, and finally drifted on the beach of one of those islands, a wreck—ship and cargo totally lost. Here was met Mr. Hunt, who, after all the information he received, and my great desire to protect the establishment at Columbia river, procured an American vessel, took some provisions, sailed, and arrived in Columbia river. He there learned that McDougall had transferred all my property to the Northwest Company, who were in possession of it, by a sale, as he called it, for the sum of about $58,000, of which he retained $14,000, for wages said to be due to some of the men. From the price obtained for the goods, &c., and he having himself become interested in the purchase, and made a partner of the Northwest Company, some idea may be formed as to this man's correctness of dealings. It will be seen, by the agreement (of which I transmit a copy) and the inventory, that he sold to the Northwest Company 18,170¼ pounds of beaver, at two dollars, which was at about that time selling in Canton at five and six dollars; 907 otter skins, at fifty cents, or half a dollar, which were selling in Canton at five to six dollars per skin.

I estimated the whole property to be worth nearer $200,000 than $40,000, about the sum which I received by bills on Montreal. Previous to the transaction of McDougall, we had already established trading-posts in the interior, and were in contact with the Northwest Company. It is now to be seen what means have been used by them to counteract my plan. It is well known that, as soon as the Northwest Company had information of my intentions and plan for conducting my commercial operations, they despatched a party of men from the interior, with a view to arrive before my people at Columbia. These men were obliged to return without effecting their object. In the mean time, representation was made to their Government as to the probable effect of my operations on their interest, and requesting to interfere in their behalf. This being in time of peace, the Government did not deem it advisable so to do. So soon, however, as war was declared, these representations were renewed, aid was asked from the Government, and it was granted. The Phœbe frigate, and sloops of war Racoon and Porcupine, were sent from England, with orders to proceed to Columbia river, and destroy my property. They sailed from England early in January, 1813. Arriving at Rio de Ja-

neiro, Admiral Dickson ordered the Phœbe frigate, with one of the sloops, to pursue Captain Porter, in the frigate Essex, and the sloop-of-war Racoon to the Columbia. She arrived there, took possession in the name of the King, and changed the name of the place, Astoria, to Fort George. Previous to this, the Northwest Company had despatched another or second party of men to the Columbia. They arrived there in the absence of Mr. Hunt. McDougall gave them support and protection, and they commenced, after some time, to negotiate with this gentleman.

The reasons assigned by him for his conduct will be seen by an extract of a letter said to have been sent by a Mr. Shaw, of the Northwest Company, and of which I send you a copy. The plan by me adopted was such as must have materially affected the interest of the Northwest and Hudson's Bay Companies, and it was easy to be foreseen that they would employ every means to counteract my operations, and which, as my impression, I stated to the Executive of your Department as early as February, 1813, as will be seen by a copy of the sketch of a letter which I wrote to the Secretary of State, to which no reply was given. On repeated application, some time after, aid was promised me; but I believe the situation of our country rendered it inconvenient to give it. You will observe that the name of the Pacific Fur Company is made use of at the commencement of the arrangements for this undertaking. I preferred to have it appear as the business of a company rather than that of an individual; and several of the gentlemen engaged, Mr. Hunt, Mr. Crooks, Mr. McKay, McDougall, Stuart, &c., were, in effect, to be interested as partners in the undertaking, so far as respected any profit which might arise; but the means were furnished by me, and the property was solely mine, and I sustained the loss, which, though considerable, I do not regret; because, had it not been for the unfortunate occurrence just stated, I should have been, as I believe, most richly rewarded, as it will be seen that the difference of price in the beaver and otter skins alone, say what I received, and the value of them at Canton at that time, is about sixty thousand dollars. The copy of agreement, inventory, and extract of Shaw's letter, you will please return to me.

I am sir, &c.,

JOHN JACOB ASTOR.

Hon. John Quincy Adams,
Secretary of State.

Mr. Astor to Mr. Monroe, Secretary of State.

New York, *February*, 1813.

Sir: I take the liberty to call to your recollection the subject of which I spoke when I had the honor of waiting on you at Washington, and to inclose a copy of a letter which I received in November last, *via* Canada, as also copies of some notes passed between some of the agents whom I sent to Columbia river and Mr. Thompson, a partner of the Northwest Company of Canada. By these it will be seen that the Indians on that part of the continent are friendly, and it is understood that the climate is mild and the country is good, and I am informed and believe that a great and valuable trade may be carried on there with more advantage by this than any other country. By the extract of a letter from the wintering partners of the Northwest Company to Mr. McGillivray, of Montreal, it will be seen that they are more or less apprehensive that the plan pursued by me will more or less endanger the valuable and extensive trade of that company, which, though of some consideration to this country, is, in my opinion, of less consequence than the trade which may be carried on on the coast, and from thence to China, as also a considerable trade with the Russian settlements in that part of the world.

You will perceive, sir, that the people whom I sent out in a ship in the year 1810 have established themselves on the Columbia river, and have built a fort, which I understand is on a favorable situation, about ten or twelve miles from the mouth of the river. If all the men who were sent thither have arrived safe, (as I believe they have,) then there must be about one hundred and fifty, besides a number of natives from the Sandwich islands.

I know that the Northwest Company have communicated my undertaking to the British Government, and, under present circumstances, I think it more than probable that they will apply for some aid to defeat it. Whether they have, or will succeed in obtaining it, I know not.

I have, however, every reason to believe that if the Government do not aid them, they will make themselves an effort to that effect. Under other circumstances than the present, (I mean in time of peace,) I think I could have made a stand against that company; in the present, it becomes doubtful and hazardous, and, in case of an interference on the part of the British Government, impossible for an individual to hold possession of a country which may become a source of wealth and comfort to many. In this situation, it becomes very interesting to know somewhat of the views of Government relative to this object; and whether the United States have or will assert any claim to that or any part of that country; and whether the Government will deem it expedient to take possession and give protection to the infant establishment which has been made. I presume, if forty or fifty men were placed in the fort already established, or on some more eligible situation, (if such there be,) they could, with the aid of the men already there, repel any force which I think it likely the British would at this time send; and, in the mean time, means might be found to send some more men, and to strengthen ourselves. My plan was to have reconciled the Indians on the Missouri to our having a free communication up that river, which no doubt in a future day will be effected, whence we can send any force necessary to protect ourselves. But it appears necessary that some step should now be taken which will afford a more speedy aid, which can only be done by sending a vessel, &c. round Cape Horn. There

are at this time about twelve or thirteen American vessels on that coast; many of them might seek and find protection in the Columbia river if we had even a small force there. I beg leave to say, that, at the commencement of my undertaking, it appeared to be necessary that some of the people sent to that country should be acquainted with the Indian trade; and, they being very scarce in the United States, I have been under the necessity of taking some from Canada, some Canadians, and some few Scotchmen. Although they have all become citizens of the United States, I am more or less apprehensive that these, in time of war, may join any force sent by the Northwest Company or the British Government; and the more so if there should be no appearance of any protection from this country. The number of these is, however, small; and the principal agent is a Mr. Hunt, of Trenton, a real American, and a gentleman of integrity, honor, and talents. I believe, at present, there is no post or establishment on the Columbia river but the one here spoken of, though I am pretty sure the Northwest Company will endeavor to fix one, as I have just received a letter dated 19th November, in London, which says the Northwest Company are fitting the ship Isaac Todd, of about five hundred tons, to go to the Northwest coast. The writer does not say under what circumstances the ship goes; but that she will go to Columbia river, there can be no doubt. I pray you, sir, to have the goodness to bring this subject under the consideration of the President, and, if permitted, I would ask the favor of being informed of the result; which is the more desirable, as I expect very shortly an opportunity of sending a messenger to that quarter of the world. I am sure the Government will readily see the importance of having possession and the command of a river so important and extensive as the Columbia, the fountain of which cannot be far distant from that of the river Missouri.

I have the honor to be, &c.

JOHN JACOB ASTOR.

Hon. JAMES MONROE, *Sec'ry of State.*

UNITED STATES OF AMERICA,
City of New York, ss.

Be it known that, on the day of the date hereof, before me, John G. Bogert, a public notary in and for the State of New York, duly admitted and sworn, dwelling in the city of New York, personally, came Wilson P. Hunt, who, being by me duly sworn, did declare and say, that the annexed agreement, inventories, and account current, [are those] by which the property of the late Pacific Fur Company was transferred to the Northwest Company of Canada; which agreement said Hunt had not in his power to reject, as the property had been some months in the possession of said Northwest Company when said Hunt returned to Astoria, the 28th February, 1814.

That, in explanation of the first article of said agreement, he declares nothing more to have been intended or understood by the word "establishment," than the dwelling-houses and stores (and not right of soil) erected by the Pacific Fur Company at Astoria, as is fully shown by reference to the fourth article of said agreement, and to the tenth page of said inventory; in each of which the item of "buildings" comprehends all the property of that description paid for by the Northwest Company. And he further declares, that he never gave or conveyed to any person whatever any right or title to lands on the Columbia river and the Northwest coast; nor has he any knowledge or suspicion of any member of the late Pacific Fur Company having transferred land to the Northwest Company; more particularly as no person was authorized so to do.

WILSON P. HUNT.

In testimony whereof, I have hereunto subscribed my name, and affixed my seal of office, the twelfth day of January, in the year of [L. S] of our Lord one thousand eight hundred and eighteen.

J. G. BOGERT, *Notary Public.*

The association heretofore carrying on the fur trade to the Columbia river and its dependencies, under the firm and denomination of the Pacific Fur Company, being dissolved on the 1st of July last, by Duncan McDougall, Donald McKenzie, David Stuart, and John Clarke, with the intention to abandon the trade in that quarter, it is hereby agreed, concluded, and settled upon, of their own free will and consent, by Duncan McDougall, acting for himself and in behalf of his associates, namely, Donald McKenzie, David Stuart, and John Clarke, on the one part, and John George McTavish and John Stuart, acting for themselves, and in behalf of the Northwest Company, on the other part, that the following agreement and settlement take place between them, and be binding and obligatory in the manner, and subject to the terms and agreements, hereinafter specified and contained: Now therefore it is hereby mutually agreed and concluded, by and between the said parties to these presents, and they do hereby mutually covenant and agree, to and with each other, in manner following, that is to say:

ARTICLE 1. The party of the former part hereby covenants and agrees to deliver, or cause to be delivered, the whole of their establishments, furs, and present stock on hand, on the Columbia and Thompson's rivers, as soon as the necessary inventories can be taken, unto the said party of the latter part, or any other person or persons appointed by them to represent the Northwest Company, to receive the same, at the prices and rates concluded and agreed upon as hereinafter specified in article fourth.

ART. 2. In consideration of article first being duly and faithfully performed by the party of the former part, they, the said John George McTavish and John Stuart, for themselves, and on behalf of the Northwest Company, do bind and oblige themselves and the said Northwest Company, or their agents, to pay, or cause to be paid, unto the said Duncan McDougall, acting for himself and

in behalf of his associates, as before mentioned, his attorneys, assigns, or order, the amount of the sum or sums arising from the sale according to article first, and the rates hereinafter specified in article fourth, at three several instalments; the first one-third, on or before the twenty-fifth of October, one thousand eight hundred and fourteen; the second one-third, on or before the twenty-fifth of November; and the remaining one-third, on or before the twenty-fifth of December. And further, it is hereby understood that, should the party of the former part find it convenient to leave the amount of the several drafts, after becoming payable as already specified, in the hands of the party of the latter part, or their agents, they, the said party of the latter part, or their agents, will allow interest at six per cent. until paid on demand; and as there are several moneys, the produce of their wages, due unto the people employed in the service of the late Pacific Fur Company, carrying on trade on the Columbia and Thompson's rivers, the said party of the latter part, namely, John George McTavish and John Stuart, acting for themselves and the Northwest Company, or their agents, do hereby bind and oblige themselves to pay, or cause to be paid, unto the several individuals employed by the party of the former part, the amount of the balances due them, according to the statement that shall be delivered by the said Duncan McDougall, acting for himself and his associates, as before mentioned, within one month after their arrival at Montreal, in the province of Lower Canada; the amount of which several sums so paid is to be considered as part of, and deducted from, the first instalment to be paid unto the said Duncan McDougall, acting for himself and his associates as before mentioned, his attorneys, assigns, or order, on or before the twenty-fifth of October, one thousand eight hundred and fourteen.

ART. 3. And further: The said John George McTavish and John Stuart, acting for themselves and the Northwest Company, will be at liberty to make a selection, and take into their service such of the people in the employment of the party of the former part, as they may think proper; in consideration of which, the said party of the latter part bind and oblige themselves to pay, or cause to be paid, unto the said party of the former part, the several sums due them, by such as may enter into the service of the party of the latter part; and the said party of the latter part further bind and oblige themselves to provide and insure a safe passage to the said party of the former part, and the remaining part that will not be taken into their service, to their respective homes.

ART. 4. And further: It is hereby agreed and concluded upon by the said parties, that the following are the rates at which the establishments, furs, and stock on hand, be valued at, as follows: Dry goods, stationery, gunpowder, and leaf tobacco, fifty per cent. on the prime cost; ship chandlery, sixty per cent.; shot, ball, lead, iron, and steel, one hundred per cent.; deduction on made-up iron works at Columbia river, thirty-three and one-third per cent.; new boats, each ten pounds, Halifax currency; boats in use, each five pounds, Halifax currency; shallop, with rigging complete, one hundred and twelve pounds ten shillings; two blacksmith's forges, complete, twenty-five pounds; plug tobacco, one shilling and six pence per pound; plug tobacco manufactured at Columbia, one shilling and three pence per pound; beads, assorted, five shillings per pound; arms, cannon, &c., prime cost; provisions, at fixed prices; articles in use, half inventory prices; horses, thirty shillings each; buildings, two hundred pounds; John Reid's adventure, and Freeman's, in the vicinity of Snake country and Spanish river, to deduct one hundred per cent.; beaver furs, ten shillings per pound; beaver coating, eight shillings and four pence per pound; muskrats, seven pence half-penny each; land otters, two shillings and six pence each; sea otters, large, sixty shillings each.

And for the faithful performance of all and singular the said covenants and agreements to be by them, respectively, kept and performed, all and every of the parties to these presents bind themselves, separately and jointly, for their several associates, firmly by these presents.

In witness whereof, the parties to these presents have hereunto set their hands and seals, this sixteenth day of October, one thousand eight hundred and thirteen, at entrance of Columbia river, northwest coast of America.

DUN. McDOUGALL, [L. S.]
J. G. McTAVISH, [L. S.]
JOHN STUART. [L. S.]

Witnesses.—John C. Halsey, Gabriel Franchere, Alfred Seton, William Wallace, Angus Bethune, James McMellen, Joseph McGillivray.

In explanation of what is meant and intended by "inventory prices" for articles in use, and fixed prices for provision, it was mutually understood by both parties, at the time, that the inventory prices of said articles in use should be fixed at half prime cost, and that no charges at all were to be made for provisions or stores of any description; and to prevent any difference that might, in future, arise on the subject, it is hereby mutually understood and agreed upon, by the parties present, that the inventory prices of said articles in use shall be fixed at half prime cost, and no charges at all be made for provisions: which explanation is to be considered equally valid and binding as if inserted or so explained in the body of the agreement itself.

DUN. McDOUGALL,
J. G. McTAVISH,
JOHN STUART.

Witnesses.—John C. Halsey, Angus Bethune.

It is hereby agreed, by and between the parties to these presents, that, in consideration of the arrival of W. P. Hunt, the aforementioned Duncan McDougall wishes to assign, and does hereby assign, to said W. P. Hunt, the part which the said Duncan McDougall held in acting for the party of the first part; and for the completion of the aforementioned agreement, the said W. P. Hunt holds himself equally bound with said Duncan McDougall: and further, to render the article regarding

John Reid's adventure to the Snake country more explicit, it is hereby fully understood that fifty per cent. was meant, instead of one hundred per cent., expressed in the said aforementioned articles of agreement, to be deducted.

Signed this tenth day of March, one thousand eight hundred and fourteen.

DUNCAN McDOUGALL,
WILSON P. HUNT,
J. G. McTAVISH,
JOHN STUART.

Witnesses.—John C. Halsey,
Angus Bethune.

The Northwest Company in account with John Jacob Astor.

March 12, 1814.		Dr.
To amount of furs delivered Messrs. McTavish and Stuart, as per invoice		$39,173 66½
To amount of invoice of sundry merchandise, &c., delivered at Astoria		13,256 01
To amount of invoice of sundry merchandise, &c., delivered at Okunaakan		2,333 58¼
To amount of invoice of sundry merchandise, &c., delivered at Spokan		1,715 17½
To amount of goods delivered Mr. John G. McTavish, June 26, 1813		858 80½
To amount of John Reid's outfit to the Snake country, and Freeman's accounts, as follows:		
To amount of invoice	$689 68	
To amount of J. Hobough's account	241 09	
To amount of J. Reznoi's account	240 57	
To amount of P. Delaunay's account	189 76	
To amount of E. Robinson's account	330 62	
To amount of P. Dorion's account	215 85	
	$1,907 57	
	953 78½	
		953 78½
		$58,291 02

March 12, 1814.		Cr.
By amount of sundry articles delivered Wilson P. Hunt		$436 10½
By bill of exchange of this date, drawn by John McDonald on McTavish, McGillivray & Co., Montreal, in favor of W. P. Hunt, payable 25th of October next Hx. Cy. £927 17*s.* 6*d.*		3,711 50
By bill of exchauge of the same date, drawn by the same on the same, in favor of the same, payable 15th Nov. next, Hx. Cy. £4,821 5*s.*		19,285 00
By bill of exchange of the same date, drawn by the same on same, in favor of the same, payable 25th Dec. next, Hx. Cy. £4,821 5*s.*		19,285 00
By draft of the same date, drawn by the same on the same, in favor of Donald McKenzie, payable 25th October next		1,483 24
By amount of balances due sundry persons, assumed by Messrs. McTavish & Stuart		14,090 17½
		$58,291 02

E. E. WILLSON P. HUNT,
In behalf of John Jacob Astor.
MARCH 12, 1814.

UNITED STATES OF AMERICA,
City of New York, ss.

Be it known, that, on the day of the date hereof, before me, John G. Bogert, a public notary in and for the State of New York, duly admitted and sworn, dwelling in the city of New York, personally came John C. Halsey and Alfred Seton, who, being by me duly sworn, depose and say, that the letter hereto annexed is a true copy of a letter brought to Astoria by John G. McTavish of the Northwest Company, and that they saw and read the same, and each became a witness to a copy thereof, which Duncan McDougall had recorded in a book of the Pacific Fur Company, for the purpose of justifying him in transferring the property of said company at Astoria to the Northwest Company of Canada, as appears by the subsequent transactions of said Duncan McDougall.

JOHN C. HALSEY,
ALFRED SETON.

In testimony whereof, I have hereunto subscribed my name, and affixed my seal of office [L. S.] the twelfth day of January, in the year of our Lord one thousand eight hundred and eighteen.

JOHN G. BOGERT.

Extract of a letter addressed to Mr. John G. McTavish, Columbia river, from A. Shaw, agent for the Northwest Company, dated Montreal, May 9, 1813.

ASTORIA, COLUMBIA RIVER,
October 9, 1813.

MY DEAR SIR: We are in hurry and confusion preparing papers, &c., for the express canoe, having waited impatiently for some time. It was at last determined upon to send it off, without having received the least knowledge of what has been doing in England since December last; but, fortunately, the arrival of a frigate brought us accounts of the Isaac Todd, having on board Messrs. McTavish and McDonald, being ready for sea on the 18th of March. She is acompanied by

frigate to take and destroy every thing that is American on the northwest coast.

DUN McDOUGALL,
DONALD McKENZIE,
JOHN CLARKE,
ALFRED SETON,
JOHN C. HALSEY,
GAB. FRANCHERE,
WILLIAM WALLACE.

DOCUMENTS ACCOMPANYING THE PRESIDENT'S MESSAGE TO CONGRESS AT THE COMMENCEMENT OF THE SESSION, DECEMBER 2, 1822.

Copies and extracts of letters and reports, exhibiting a general view of the correspondence between the commanders of our cruising vessels in the West Indies, and the Spanish authorities.

U. S. FRIGATE MACEDONIAN,
Havana, May 6, 1822.

SIR: I have the honor to inform you that I arrived here on the 28th ultimo. My passage was somewhat protracted by chasing, out of my course, suspicious looking vessels among the islands, and by having two days under convoy an American schooner, that requested me to see her safe past Cape Antonio. On my arrival, I saluted the Captain General and the Admiral, receiving from each, in return, gun for gun, agreeably to previous arrangement. On the 29th, I had an interview with the Captain General relative to the business with which I am charged by Mr. Adams, the Secretary of State. On the 30th, I addressed a communication to him upon the subject of landing our boats and men upon the coast of Cuba when in pursuit of pirates. I enclose a copy of my communication, as also of the Captain General's answer; and you will perceive he declines acceding to the proposition I made to him. I think it preferable to pursue one object at a time with the Government here, and I shall therefore drop this subject for the present, renewing it when my correspondence in regard to the Florida documents is terminated. He certainly ought, and perhaps will consent to our landing upon those parts of the coast that are uninhabited, and where, though within his jurisdiction, he is utterly incapable of exercising any authority. There are many such places on the coasts of this island.

The measures adopted by the Captain General, and to which he refers in his letter to me, consist simply of a proclamation, in March last, establishing certain regulations with respect to the clearances of coasting vessels, launches, and other boats. These regulations, I understand, are not strictly enforced, and, even if they were, they are altogether insufficient for the suppression of piracy along the extensive coast of Cuba. As this proclamation has been published in the American newspapers, I do not think it necessary to send you a copy.

I regret to state that I have not met any of our cruisers either at this port or off Cape Antonio, nor have I been able to gain any information as to where they probably now are. It is some time since any of them were here. The British frigate Tribune is here, from Porto Bello, and is about to sail for England with specie.

I have the honor to be, &c.

JAMES BIDDLE.

Hon. SMITH THOMPSON,
Secretary of the Navy.

Captain Biddle to Governor Mahy.

UNITED STATES FRIGATE MACEDONIAN,
Havana, April 30, 1822.

SIR: I have the honor to represent, that the commercial relations between the United States and Cuba are already very considerable, and that they would unquestionably be more considerable, if rendered more secure from unlawful depredations. As these relations, too, are mutually beneficial, it is important to both parties that they should be effectually protected. For this object the Government of the United States, on its part, has employed an adequate naval force, which is placed under my direction and control. But as the depredations have been committed chiefly in open boats, immediately upon the coast, and off the harbors, it is important that we should have your Excellency's co-operation. I have therefore the honor to propose that your Excellency should so far co-operate with me as to sanction the landing, upon the coast of Cuba, of our boats and men, when in pursuit of pirates. This measure would be promotive of our common benefit—is indispensable to the entire suppression of piracy, and is not intended in any manner to infringe upon the territorial rights of your Excellency. It will operate against those only whose atrocious crimes render them obnoxious to every regular Government, and should place them without the protection of all law.

I have the honor to be, with great consideration and respect, your Excellency's most obedient and very humble servant,

JAMES BIDDLE.

His Ex'cy Don NICHOLAS MAHY,
Capt. Gen. and Governor of Cuba, Havana.

Governor Mahy to Captain Biddle.

HAVANA, *May* 2, 1822.

I am too sensible of the importance of the commercial relations which exist, and may continue, between the ports of this Island and those of the United States, which I am desirous of cultivating, not to have adopted measures to put a stop to depredations which might obstruct them along the extensive coasts of this Island, under my jurisdiction. I repeat, that such measures have been adopted, and have been made public; and with the zealous co-operation with which you inform me you are charged, we shall doubtless effect shortly a happy extermination of those enemies, who, under all colors, have laid waste and com-

mitted robberies, both upon the high seas and every coast, without respecting any flag.

With respect to the permission you solicit, for landing upon this coast with troops and people in boats, for the purpose of pursuing those pirates, I cannot and must not consent to it. I repeat that the necessary measures have been adopted to defend my territorial jurisdiction, and for the apprehension of every description of outlaws.

All which I communicate in answer to your official letter of yesterday.

God preserve you many years.

NICHOLAS MAHY,
Capt. Gen. of the Island of Cuba.

JAMES BIDDLE, Esq.,
Commanding U. S. ship Macedonian.

Extract from a report of Lieut. Francis H. Gregory, Commander of U. S. schooner Grampus, to Captain James Biddle, commanding the U. S. forces in the West Indies—relating to the capture of the Pancheta, dated

U. S. SCHOONER GRAMPUS,
St. Thomas, August 24, 1822.

"I have the honor to acquaint you, for the information of the Hon. Secretary of the Navy, that I arrived at St. Bartholomews on the second of August; sailed again on the 7th with convoy for St. Thomas. On the morning of the 9th fell in with two Spanish cruisers off Tortola, who demanded permission, and claimed a right to board the convoy, which being preremptorily refused, they hauled off. The same day I arrived at St. Thomas and received from Capt. John Souther, of the schooner Coquette of Georgetown, D. C., the enclosed deposition, having been plundered by those vessels. On the 14th I left St. Thomas, with two valuable vessels, bound to Curaçoa, and on the evening of the 15th saw an hermaphrodite brig, hovering upon our weather quarter, apparently a cruiser—continued my course without regarding her; at day light made her ahead and gave chase; at half past nine, having gained considerably upon her, she hoisted English colors; changed them to Spanish at 10, and fired a gun to windward and at half past 10 hove to, and set a white flag at the fore. On nearing her I perceived her to be the pirate that had fired upon and plundered the Coquette, and therefore considered it my duty to arrest her. At 20 minutes past 11 the Grampus was laid under her lee, within pistol shot, and her surrender demanded as a pirate, which she affected not to understand, and answered me to that import. While repeating the demand, he poured into us a full volley from his small arms and cannon, which was instantly returned, and continued three minutes and a half, when he struck his colors, a complete wreck, having one man killed and six wounded, and in a sinking condition. The boats were despatched instantly to their relief, and it was only owing to the great exertions of Lieut. Voorhies, that she was prevented from going down, having received three shots between wind and water, one of which injured the pumps. The Grampus received some trifling injury in her sails and rigging, but not a man hurt.

"The captured vessel proved to be the notorious privateer Palmyra, formerly the Pancheta, from Porto Rico; carries one long brass eighteen, and eight eighteen pound carronades, and a crew of eighty-eight men. They acknowledge the robbery of the Coquette, and the only excuse given by the officer is, that they could not prevent those things happening now and then. Several of the plundered articles were found on board."

ST. THOMAS, *August* 10, 1822.

Personally appeared before us, Captain John Souther, commander, and in part owner of the Schooner Coquette, of Georgetown, D. C. Who, being duly sworn upon the Holy Evangelist of Almighty God, deposeth and saith: That he is a native born citizen of the United States of America, and that, while on a voyage in said vessel to the West India Islands, and on his passage from St. Bartholomews to St. Thomas, on the morning of the 9th of August, 1822, at 5 A. M. or thereabouts, he was fired at by a sail in chase, upon which, the deponent saith, he immediately hove to. Was boarded by an officer and boat's crew under Venezulian colors; they immediately demanded his papers; after examining them, they commenced searching the vessel, then went into my cabin and searched the berths, chests, &c. They took from the vessel stock, and clothing from the officers and men. The deponent further says, she was an hermaphrodite brig with a red streak, and one long gun amidships and several others, not knowing the exact number.

JOHN SOUTHER.

ATTEST, J. ROHDE,
Captain R. Navy and Harbor Master.
F. H. GREGORY,
Lt. Com. U. S. Navy.

The foregoing deposition of Capt. John Souther having been read before John Peabody, Jr., mate of the Schooner Coquette, John Reynolds, and Henry Sterling, seamen, and they being duly sworn, declare the same to be true.

JOHN PEABODY, Jr.,
JOHN REYNOLDS,
HENRY STERLING.

ATTEST, J. ROHDE,
Captain R. Navy and Harbor Master.
F. H. GREGORY,
Lt. Com. U. S. Navy.

Extract of a letter from Lieutenant Commandant Francis H. Gregory, to the Secretary of the Navy.

"I have the honor to inform you that this vessel, accompanied by the Palmyra, alias Pancheta, was safely anchored in this port on the 12th, after a passage of fifty days from St. Thomas. The Palmyra was captured on the 16th of August to the southward of St. Croix, by the Grampus, after a short action, in which she was principal sufferer, as detailed in my reports to Captain James Biddle,

Commander of the United States' naval forces cruising in the West Indies. Copies of which have, for your information, already been forwarded to the Department.

"It was my wish and intention, to have entered a more northern port, but light and adverse winds, and the great number of prisoners on board, obliged me to make the nearest port, and that as soon as possible. The prisoners, seventy-six in number, have been safely lodged in jail, committed for piracy. At least one-third of them are of the Sugar Key gang, who have come to Porto Rico for the purpose of covering their villany with Spanish commissions. All the original documents respecting this vessel have been placed in the hands of the United States District Attorney, and the vessel libelled. Several of her own crew have turned informants, and I expect a great scene of villany will be exposed.

"I frequently saw gentlemen from Porto Rico while at St. Thomas's, and was informed that several small privateers were fitted out there, which, if not looked after in time, will certainly commit some very serious depredations upon our commerce, as they are, in reality, nothing but pirates; most of their crew being from the establishments of Cuba, and to their thirst for plunder add a deadly desire of revenge whenever they fall in with a defenceless American."

Extract of a letter from Lieutenant James Ramage, commander of the United States schooner Porpoise, to the Secretary of the Navy, dated St. Thomas, 9th July, 1822.

"Having sailed from St. Bartholomews on the evening of the 6th instant, I fell in, the next morning, with two brigs of war, bearing the Mexican flag. I run down, with our colors flying, between them; and, when opposite to each, received a gun from the one to windward, which was instantly returned from this vessel: shortly after, I received a similar salute from that to leeward, which was promptly replied to—both vessels, on firing, hauled down the Mexican, and hoisted the Spanish national colors. I then ranged alongside the brig to leeward, observing her crew in a state of extreme confusion; they opened an irregular and ill directed fire of grape and musketry, but without any effect. I was in the act of giving orders to return our broadside, when hostilities ceased; and I directed Lieutenant Curtis to board the brig, and examine her papers; they proved to be H. C. Majesty's brigs Palmyra, of fourteen guns, one hundred and thirty men, and G. Boves, of eight guns, and one hundred men, both from Cadiz. The inclosed is a literal copy of a letter addressed me by the senior commanding officer.

"I now hasten to communicate the intelligence received by me at this place, which I believe to be entirely authentic; that several Spanish privateers, of considerable force, have lately been equipped from the island of Porto Rico, for the purpose of capturing all vessels sailing to or from the ports on the coast of Spanish America, in possession of the patriot forces, under the plea that they are violating a system of blockade established by the Government of Spain. These privateers have already made several captures of American and other vessels, which have been carried to remote ports in the island of Porto Rico, and will doubtless be condemned. The injury that will result to the commerce of our country from this system of pretended blockade will be very serious, if not timely checked by an adequate force in this quarter; and, as I have no means of communicating, from hence, with Captain Biddle, I consider it my duty to lay the present information before you."

S. N. B. G. Boves,
At sea, July 8, 1822.

Sir: I am sorry you will be incomoded with me by firiying you this morning, being the case that we thought you were patriots, and we have comission from our goverment to blockade all the men ports, and happened that must all the vessels from the men hoisted and fight with the American flag, we took you to be one of them.

I hope therefore you will forgived the uncasionally affair.

I remain your sincear, &c
PABLO LLUAGER.

M. Ramage, *Capt. U. S. Schooner Porpoise.*

U. S. Schooner Porpoise,
Curaçoa, July 22, 1822.

Sir: I had the honor to address you on the 9th instant, from the island of St. Thomas, communicating the injuries committed on our commerce by Spanish vessels of war near to Porto Rico, in consequence of their pretended blockade of the coasts of Spanish America. I have now to inform you that the same causes have produced the same effects in this quarter, and that four American vessels have been condemned at Porto Cabello for a breach of blockade. The naval force of Spain in these seas consists of an old forty-four gun frigate, (one of the Russian contract,) a brig and schooner. These are employed in furnishing supplies to Porto Cabello from this island, and yet, with such a force, and so employed, they uphold the monstrous principle of blockading a coast of more than twelve hundred miles in extent. It does not appear that any injury has been committed on our commerce by the vessels of the Colombian Republic.

I have the honor to be, &c.
JAMES RAMAGE.

Hon. Smith Thompson,
Secretary of the Navy.

Extract of a letter from Lieutenant James Ramage, Commander of the United States schooner Porpoise, to Captain James Biddle, commanding the naval forces in the West Indies.

"Under the plea of a breach of blockade, the Spanish squadron in this direction capture all vessels bound to or from ports in possession of the

Colombian Republic. The naval force of Spain now here consists of an old forty-four gun frigate, the Ligera, (one of the Russian contract,) an eighteen gun brig, the Hercule, and a schooner; the whole of which are employed supplying Porto Cabello with provisions from Curaçoa; yet, with such a force, and so employed, they uphold the monstrous principle of blockading a line of coast of more than twelve hundred miles in extent."

Copy of a letter to Captain Laborde, commanding His Catholic Majesty's frigate Ligera.

U. S. SCHOONER PORPOISE,
St. Ann, Curaçoa, July 21, 1822.

SIR: I have received from the master of the American schooner Antelope a communication, of which a copy is herewith transmitted to you. From this statement it appears that a very serious injury has been done by you to the rights and property of citizens of the United States, by the capture and subsequent condemnation of an American vessel and cargo pursuing a lawful commerce; but it is hoped that more just reasons will be exhibited on your part for the course pursued, than those stated in the communication referred to.

I have received information that the American vessels named underneath have been carried into Porto Cabello, and there condemned, under the pretext of a breach of blockade of the coast and harbors of the Spanish Main. In consequence thereof, it becomes my duty to demand from you the release of all vessels and property so seized, and further to state, that the United States cannot recognise such a system of blockade, to the manifest injury of their commerce, where the force of Spain is so evidently inadequate to its fulfilment.

I am, &c. JAMES RAMAGE.

To Captain LABORDE,
Comd'g H. C. M. Frigate Ligera, Curaçoa.

American brig Calypso of New York,
Rising States of New York,
schooner Union of Salem.

Statement of Arthur Edgarton, mate of the brig General Andrew Jackson.

Arthur Edgarton, mate of the brig General Andrew Jackson, taken by the privateer General Pereira, on the 22d July, as nigh as he can remember, the log book being taken from him—Captain Langdon and the cook were sent in the brig to Ponce, and the mate and men were taken on board the privateer, having been robbed of every article of clothing, except what they had at the time on their backs. The men had recently left the United States, and had each a new suit of good clothes, many of which, can, at most hours, be seen at this place, worn by the crew of the privateer in public. Except being robbed of clothing, knives, razors, &c., were well treated on board the privateer, where they remained about seventeen days—were then put into the Puntilla (prison) without food, until the afternoon of the third day. The keeper of the prison, observing the wants of these men, sent word to the captain of the privateer, "That he must furnish them daily with food, or he would be punished;" which was complied with.

Captain Spence to the Secretary of the Navy, transmitting correspondence with the Governor of Porto Rico, marked A. to G. inclusive.

UNITED STATES SHIP CYANE,
St. Johns, Porto Rico, Sept. 3*d*, 1822.

SIR: After a passage of twenty-five days from the Chesapeake, during which we experienced an alternation of calms and head winds, I anchored in this harbor. I found no small excitement existing, produced by the capture of the Pancheta. The presence of a ship of our force was perhaps seasonable; and possibly may have been the means of preventing unpleasant consequences to the Americans here. Before I could enter upon the business specially delegated, I was informed of the imprisonment of several citizens of the United States, taken from the brig General Jackson, captured and sent into Ponce. As no American ought to be restrained of his liberty, in any quarter of the world, one hour, without just cause, I addressed his Excellency Don Francisco Gonzalez de Linarez, demanding their release. My letter, marked A, is herewith transmitted. The men being liberated, I felt myself at liberty to enter upon the execution of my instructions, and immediately addressed him upon the subject of the capture of American vessels by privateers out of the Island of Porto Rico. A copy of my letter, marked B, is herewith enclosed. On the 27th ultimo, I addressed to his Excellency letter C, annexing memorandum No. 1, being a list of vessels sent into the different ports of the island, for adjudication. On the 28th I received from his Excellency a reply to my representations, which is herewith transmitted, with other subsequent communications from him. I then addressed to him letter D, with copies of the accompanying documents, 2, 3, and 4.

Some of the circumstances of the capture of the Pancheta being known, for the purpose of preventing the ill effects of distorted and prejudiced representations, and to allay the sensations of which his Excellency speaks, I addressed to him, on that subject, letter marked E. Receiving several reiterative communications, of which I obtained but very imperfect translations, I replied with letter marked F, and came to the consummation of the duty confided to me in letter G, and I trust, in the declarations there made, I have neither gone beyond the letter nor spirit of my instructions; having been influenced, throughout the whole correspondence, by a strong desire to discharge a delicate trust with becoming graciousness; and, while making known the sentiments of the American people, and the determination of my Government, to conciliate, by a friendly style and manner, the good feelings of those in authority, all of whom are men of high standing, and justly estimable. I hope my remarks on the laws of blockade will be considered by yourself and the President pertinent and proper. I believe I con-

ceived your views on that subject. It cannot, however, be expected that an officer who embarked at the age of eleven on an element where the accomplishments of a scholar are not required, should shine in a correspondence of a diplomatic cast; especially when depending wholly on his own feeble capacity. What I have written on this occasion, has been with a heart glowing with American feelings, with an enthusiastic admiration for our laws, institutions, and great men; if, therefore, a little egotism should occasionally appear, I plead this in extenuation.

The hospitality of the port has been freely and fully extended to my ship, and the personal attentions of those in authority have been gratifying to me and my officers. To a system of privateering they are opposed; and the Governor will do all in his power to discourage its continuance. Indemnification for the past, I fear, we shall have to look for to the treasury of Spain.

I shall be active in attending to every thing in which the interest of our commerce is concerned; and shall endeavor to sustain the American character by a manner gentle, yet firm—taking on myself no responsibility, keeping constantly in eye the reciprocal rights of nations, and your instructions.

I have the honor, &c.

ROBERT TRAIL SPENCE.

P. S. I shall leave these seas the last of October for Africa.

Hon. SMITH THOMPSON,
Secretary of the Navy, Washington.

A.

U. S. SHIP CYANE, ST. JOHN'S,
PORTO RICO, *August* 26, 1822.

SIR: Instructed to proceed to Porto Rico, to communicate with your Excellency in relation to the infringement of American rights, by vessels fitted out of different ports of this island, I had scarcely anchored with this ship, ere I learned that several citizens of the United States (after experiencing the most brutal treatment from a gang of desperadoes belonging to an armed schooner now in, and said to be of this place) have been imprisoned, and are at present in confinement.

These American citizens I understand were taken from the brig Andrew Jackson, while peaceably pursuing their vocation on the high seas, under the flag of the United States.

So gross a violation of the usages of all civilized nations is calculated to excite universal abhorrence, and the just indignation I am persuaded your Excellency must feel on being informed of such an atrocious act, renders it only necessary that it should come to the knowledge of your Excellency, to cause the immediate release of said citizens, and the prompt and salutary punishment of those violators of the laws of nations and humanity.

With the most perfect consideration, &c.

ROBERT T. SPENCE.

His Exc'y F. G. DE LINAREZ,
Governor of Porto Rico.

U. S. SHIP CYANE, ST. JOHN'S,
PORTO RICO, *August* 27, 1822.

SIR: I am directed to call the attention of your Excellency to the capture and detention, by privateers fitted out from this island, of several American merchant vessels, while pursuing a lawful commerce during a time when the United States enjoy profound peace with all nations.

Your Excellency will readily perceive that under such circumstances, the violation of American rights here complained of, calls for a speedy interposition of justice and authority. Justice, that a restitution of these captures may be made, and authority to prevent a repetition of similar outrages.

I will as soon as possible transmit to your Excellency the names of the vessels to which this complaint refers, with a statement of the circumstances attending their capture; confidently believing that your Excellency will adopt, as early as possible, such measures as shall, in your wisdom, be deemed sufficient to arrest these depredations, which, in some cases, can be viewed in no other light than piratical.

The flag of the United States, floating in every ocean, guaranties protection to all who lawfully sail under it—the invasion of rights identified with this flag, it would neither be honorable, wise, nor expedient to permit, and that trade to which, as a neutral, the United States have claim uninterruptedly to pursue, cannot be molested.

The American commerce, second to none for magnitude, enterprise, and fair dealing, must, to insure a continuance of these constituent features, be preserved inviolate; and the protection necessary to effect this object, the Government of the United States is determined to afford, whether in the seas of the Mediterranean, Pacific, or Caribbean, where outrages, tending to degrade the flag under which they are committed, are daily occurring; these, as far as they shall come under the cognizance of your Excellency, I am persuaded will be restrained and prevented.

The amicable and friendly footing, on which Spain and the United States are at this time, convinces me, that nothing more than a proper representation of these facts is required to call the subject-matter to the immediate attention of your Excellency. Fully believing this,

I have the honor to remain, &c.

ROBERT T. SPENCE.

His Ex'cy DON F. G. DE LINAREZ,
Governor of Porto Rico.

C.

UNITED STATES SHIP CYANE,
St. John's, Porto Rico, Aug. 28, 1822.

SIR: Having informed your Excellency that I have been instructed to proceed to this place, to communicate with your Excellency on the subject of captures, made by privateers fitted out of this Island, of American vessels, while pursuing, in time of peace, a lawful trade, I now have the honor to transmit a memorandum, embracing the

names of these vessels, and the circumstances attending their seizure.

It appears that some of the vessels have been sent in, and after a grievous detention, declared to be a "bad prize;" subject, however, to pay all the costs of suit, and one-third of the expenses of the privateer.

To one as profound in all matters of law and equity as your Excellency, this must appear a strange proceeding; a proceeding, calling, with much emphasis, for the interposition of your Excellency's authority, to remedy evils bearing a character calculated to diminish the high respect heretofore entertained by the world, for the equitable decisions of the Spanish courts.

A pretended violation of blockade, it appears, is the pretext for sending into the ports of this Island, vessels navigating the sea under the American flag. The whole, therefore, may be resolved into two descriptions of cases: The first, comprising vessels seized and again released as "bad prizes," paying the whole of the costs of trial, and a portion of the expenses of the privateer.

The principles of equity applicable to such cases are too simple to require exposition. The innocent are not to pay the penalty of another's guilt or imprudence. If an American is interrupted in her voyage, captured and vexatiously detained, until a judicial investigation determines her to be a "bad prize," it seems to me self-evident, that all costs of the suit should be paid by the captors, in whom the wrong is; add to this, that proper damages should be levied on the aggressor, that the sufferer may be fairly indemnified, and the "privateersman" be restrained in future by a fear of being, in all similar cases, called upon to make good the injury resulting from his wantonness; without such a check, what is there to limit the mischief done by men of this order, who, stealing from their dens and lurking places, pollute the ocean with the blood of defenceless sailors, and gorge their cupidity with the spoils of plunder and ravage?

The good of every nation, and the honor of some, require that so foul a system should be made to cease, that every navigable sea may be rendered safe to the honest efforts of enterprise.

The second description of cases to which I wish to call the immediate attention of your Excellency, are those vessels sent in under a pretext of attempting to enter a blockaded port. The pacific policy uniformly pursued by the Government of the United States, the just and liberal principles by which it has been governed through all its various struggles, to treat all nations as friends, and, especially, to be on the most friendly footing with Spain, entitle the citizens of America to the privilege of navigating the seas without molestation, on pretexts so flimsy as those of violating a "blockade" which has never existed *de facto*.

It is well understood, that a blockade to carry with it the penalty of forfeiture, must be conformable to the established opinions of those distinguished civilians who have fully and ably expounded this subject.

In the first place it must be practicable; it must be defined within limits commensurate with the ability; a stationary force must intervene; the vessel entering must be warned off; these, and other qualifications, are essential to constitute a blockade, as now understood by the President of the United States and other great statesmen. If, then, such is the form and nature of a blockade; if the constant presence of a stationary squadron, adequate to the purpose of intercepting all vessels, is indispensable; how is it, that a whole coast, without any definite limit, should be under the ban of interdiction, without any visible force; consequently, without the first requisite of a blockade?

While such pretexts for spoliation exist, and the commerce of the United States is thus devastated, the relations of love and friendship now existing between the two nations must be shaken, and a state of things produced such as I am persuaded your Excellency will feel desirous to avert.

I trust I shall be excused these remarks, made to one by whom the principles of "blockade" are fully understood, and whose experience is such as to render the application of them in all cases just and proper.

It will readily occur to the wisdom and justice of your Excellency that injuries sustained by American citizens from illegal seizure and detention, carry with them a fair claim to indemnity; and that where there has been a manifest partiality in the courts deciding on some of the cases presented for your consideration, that the arm of authority should be extended to remedy, and to require more equitable decisions. In these cases it is *hoped* and *expected* that your Excellency will direct a revisal of the proceedings of subordinate tribunals, that such of the citizens of the United States as have suffered by them may be immediately made whole in their property, and receive damages for unjustifiable detention.

Your Excellency, influenced by high and honorable motives, will doubtless see the propriety of ordering all American vessels now detained to be *forthwith released*, and the punishment of marauders who have tarnished the dignity of the Spanish character by acts of inhuman treatment to citizens of the United States; by the most flagrant outrages; by a prostration of all the usages of civilized society; thereby bringing the commercial world into a state truly to be deplored, tending to arm man against his brother man, and to make safety no where but in strength and habitual hostility.

Submitting this application to the early attention of your Excellency, and calling upon your Excellency immediately to interpose your authority to prevent a continuance of these causes of just complaint, and confidently believing that your love of justice, order, and humanity, will impel you promptly to meet the wishes of my Government on this subject,

I remain, with the most perfect consideration, your obedient servant,

ROBERT T. SPENCE.

His Exc'y Don F. G. de Linarez,
Governor of Porto Rico.

List of American vessels captured by Spanish privateers, and sent into the different ports of Porto Rico.

Bark American, Emery master, of Kennebunk. This vessel was sent into Cape Roxo by the Spanish felucca La Carmen, tried, and declared to be a bad prize, but sentenced to pay all costs of the trial, and one-third of the charges of the privateer for her detention; and was compelled, in consequence, to sell her cargo at a great sacrifice.

Brig Sam, of Portland, Crowell master. This vessel was sent into Cape Roxo by the same privateer, and it is understood that she is still detained.

Brig Bliss, of Baltimore, Dungan master. This vessel was sent into Cape Roxo by the same privateer, and after a vexatious detention was suffered to proceed, paying all the costs of trial, and one-third of the expenses of the privateer.

Brig Elizabeth, of Georgetown, West master. This vessel was sent into Aguadella by the privateer General Pereira, for trading to a blockaded port.

Brig General Jackson, of New York, Langdon master, captured and sent into Ponce by the schooner General Pereira, at which place she is now detained, and part of her crew, after very inhuman treatment, imprisoned at this place.

D.

United States ship Cyane,
St. John's, Porto Rico, August 29, 1822.

Sir: I have the honor to acknowledge the receipt of your Excellency's letter of the 27th inst., (a translation I have but this moment been able to obtain,) in which you refer me to a communication made to Mr. Lord, the commercial agent, in reply to an application made the day previous to my arrival, for the release of the crew of the brig Andrew Jackson. The sentiments and expressions of your Excellency in relation to this outrage are duly appreciated. I felt persuaded that the harsh and illegal imprisonment of unoffending American citizens could not have come to the knowledge of your Excellency; and there are other outrages of similar character not yet known, I am convinced, to the high authorities of Porto Rico.

I beg leave to enclose you a copy of a letter from the Government interpreter at Ponce, into which place the brig Andrew Jackson was taken. This is a representation from a Spanish functionary, and your Excellency, I doubt not, will agree with me that, if the facts there stated are true, there is no other application by which I could designate the perpetrators of such inhuman severity, save that of "desperadoes;" men restrained by none of the gentle obligations of humanity.

It is a fact, notoriously known, that the crew of the "Andrew Jackson," illegally and harshly confined at the time of my writing to you, had been previously robbed of every thing, save the clothes they had on at the time of entering the prison; their jack-knives were even cut from their pockets! If to men who can thus act—who can divest a defenceless "American tar" of every thing, even to his wearing apparel—I could apply any other distinguishing name than that of "robber," I confess to your Excellency I should have selected a milder epithet.

A glance at the history of the past displays, in the Spanish character, the principles and high sentiments of which you speak; the island before us bears full testimony of their enterprise and greatness. It was to those sentiments and principles I appealed, when I requested your early attention to proceedings calculated to sully that dignity of which every Spaniard is justly proud.

The capture of the Pancheta by a vessel of war of the United States, was entirely unknown to me on my arrival at St. John's; but I can confidently assure your Excellency, that you have been misinformed as to some of the circumstances attending it. I have understood that the privateer Pancheta has been of considerable annoyance to our commerce in these seas, and that, falling in with the United States schooner Grampus, fired into her. The consequences that would result from such an act may be conceived by your Excellency.

The instructions given to officers of the American Navy are such as to render it impossible that they can be the aggressors; and the feelings that have characterized them will always insure, in these unhappy rencontres, humanity and tenderness.

Vessels have formerly been sent into the ports of the United States on apparent good grounds, such as attempts on our commerce; but, in all instances in which cause for condemnation did not appear, heavy damages were awarded, and the sufferers made more than whole in their property—retribution is there always at hand.

In the case of the Pancheta, I beg leave to assure your Excellency there must have been great cause for the course pursued. As to the indignity offered to the flag, your Excellency, I trust, is misinformed, for no officer in the Navy dare stand before the tribunal of the American people, justly charged with having violated the best constituents of the American character—magnanimity and knightly generosity.

This unfortunate occurrence has grown out of the necessity of sending an armed force to these seas, for the purpose of convoying our vessels, and of guarding them against the violence that has been committed upon them by privateers infesting the ocean for the purpose of plunder. If, in the execution of this duty, rendered necessary by the state of things, calamities unavoidably occur, they must, doubtless, be deplored by the lovers of peace and concord, but cannot be chargeable to us as voluntary acts.

It is an indisputable fact, although not known to your Excellency, that the captain's and mate's trunks of the American brig Sam, captured and taken into Cape Roxo, were broken open, while himself and crew were on board the privateer, and four hundred and twenty Spanish dollars taken from them; also one trunk of Madras handkerchiefs and other merchandise. These are transactions unknown to your Excellency, having taken place prior to your Excellency's arrival; they are

the acts of privateersmen, from which it would be absurd to infer the character of a wise and liberal nation, like that of Spain.

Seeing the evils that result from the course pursued by privateers out of this island, I call upon your Excellency, in the name of humanity, and of that benign policy which has marked the course of our political career, to place such checks and restraints upon their proceedings as will, in future, secure the American commerce from interruption, and those vexatious seizures, of which the citizens of the United States justly complain.

These complaints, resting on the foundation of wrongs of an aggravated nature, which cannot be justified by any previous aggressions of American citizens, convinces me that they will not be sanctioned by one of your Excellency's liberal and comprehensive views.

Confident of this, I feel much satisfaction in complying with that part of my instructions which requires me to learn from your Excellency how far privateers fitted out of this island are authorized to capture and bring in for adjudication the vessels of the United States pursuing a lawful commerce. Information on this head will serve to explain fully the footing on which our maritime relations rest in this quarter.

Be pleased to accept my best wishes for the health and happiness of your Excellency, and believe me, with the most perfect consideration, your Excellency's obedient servant,

ROBERT T. SPENCE,
Captain U. S. Navy.

P. S. I also enclose a copy of a letter from the master of the brig General Andrew Jackson, relative to his treatment from the crew of the Spanish privateer General Pereira.

His Ex'cy Don F. G. de Linarez,
Governor of Porto Rico.

United States ship Cyane,
St. John's, P. R., Aug. 30, 1822.

Sir: Since the receipt of your letter, alluding to the capture of the Pancheta, some of the circumstances attending it have come to my knowledge.

It appears that this privateer has been, for a considerable time, engaged in intercepting our vessels—frequently boarding them—and exercising an intolerable inquisition—vexations of themselves, sufficient to call for a remedy, but would not have occasioned any offensive measures on the part of American cruisers. The instructions given to our commanders, confine their discretionary powers within limits too circumscribed, to admit of their being led to an act of indiscretion. They are imperatively commanded to do nothing that can tend to interrupt the harmony existing between the United States and other Powers, whose maritime rights have ever been respected, and never designedly infringed.

The immediate cause of the Pancheta's capture was, her having been guilty of several recent acts of plunder; and her having, but a short while previously to her "mishap," taken a number of articles from an American trader, to which the captain and crew made oath. If these facts are as represented, and I am induced to think they will be incontrovertibly established, they certainly must be denominated acts of piracy committed upon the citizens of the United States, who have been made to suffer, in their property and feelings, by these and similar outrages. Add to these causes, on being hailed she fired into the United States schooner Grampus! What armed vessel could expect to fire at an American ship of war with impunity!

These circumstances, when the affair shall be judicially investigated, I am inclined to think, will be found substantially correct; if otherwise, there is an equity in the Government and laws of the United States that never was appealed to in vain. There is a sentiment of honor and generosity "in the American people that will sustain the injured, be he friend or foe, that will redress wrongs with "even-handed justice."

I have deemed it proper to make this statement, with a view to allay the sensations of which your Excellency speaks, as having been excited by this transaction; sensations I have had occasion myself to experience, with the additional aggravation of knowing that the authors of them, lurking in obscurity, were sheltered from personal amenability, while, in the present case, your Excellency must feel an assurance, that the standing of the active officer in command of the Grampus, as well as the magnitude of the affair, are such as to pass them in review of the whole American people, a never-erring ordeal; that laws, and not individuals, will decide as to the criminality of the cruise of the Pancheta, and will determine how far that officer was justifiable in arresting her depredatory excursions.

American cruisers have been sent to these seas to protect our trade. There had existed a crying cause—the means of mischief were accumulating; impunity had produced audacity; and the ocean washing the shores of these islands, which the interest of the world requires should be unprofaned by the path of the plunderer, had become the theatre of outrage and rapine. American citizens had suffered in their property and sacred persons. To remedy these evils, our officers will be active, vigilant, and unweary; producing by their conduct a conviction that when acts are perpetrated, such as the Pancheta is charged with having committed, there is no escape. There must be safety in peace, or its best objects are defeated; there must be security on the great "thoroughfare" of all nations, otherwise its best purposes are perverted.

Persuaded that your Excellency will not consider this as unreasonable, and that you will see the consequences I have pointed out as the inevitable result of causes herein set forth, I remain, &c.

ROBERT T. SPENCE,
Captain in the Navy.

His Ex'cy Don F. G. De Linarez,
Governor of Porto Rico, &c.

U. S. SHIP CYANE,
St. John's, (P. R.,) Sept. 1, 1822.

SIR: Your letters of the 28th and 31st ultimo, in answer to several communications from me, have been duly received—translations of which I have but this moment been able to obtain.

In relation to the capture of the Pancheta, I beg permission to repeat that it must be considered as a disaster growing out of the unjustifiable conduct of her crew, and as one of the retributive results of an abuse of her cruising license.

We require that our lawful commerce shall be unmolested; that our vessels shall not, from frivolous causes, and on pretexts, of which every privateersman constitutes himself a judge, be intercepted, and subjected to inquisitorial scrutiny, and American citizens made to incur intolerable inconvenience and expense. Evils like these have a remedy, which the most forbearing would not expect should remain dormant.

I am convinced your Excellency has been incorrectly informed as to the treatment of the crew of the Pancheta, which you represent as cruel and unnecessarily harsh. The officer commanding the schooner Grampus is well known for his humane feelings, and I am persuaded that all practicable and proper mildness was exercised on the occasion.

It is not to a discussion of the laws and principles of "blockade" that I am desirous of calling your Excellency's attention; they are settled and established by the concurrent opinion of the wisest statesmen, and are no longer doubtful. "Blockade" is not a mystical arcanum; it involves certain practical rules amply explained, and I am persuaded well and fully understood by your Excellency.

It was to invite a just application of these principles, according to the acknowledged usages of the age, that I was led to present the subject to your Excellency's attention; thereby to prevent the seizure of our vessels, and to do away a pretext, often alleged, for sending them in for adjudication.

It was presumed that your Excellency's powers extended to the correction of evils existing within the range of your authority; that you had the means of checking the licentiousness of privateering; and that, seeing the pernicious effects of it, would feel every disposition to shield the commerce of the United States, by the interposition of seasonable restraints.

While I feel confident that your Excellency will adopt, with promptitude, measures calculated to ascertain the extent of the grievances set forth in my communication of the 28th ultimo, I must beg leave again to repeat the expression of my hope and expectation that you will cause all American vessels now illegally detained in the ports of this island forthwith to be released, and equitable damages awarded such of the citizens of the United States as have suffered, either in property or person.

The well-known character of your Excellency for wisdom and justice inclines me to believe that these expectations will appear reasonable and right, and that they will be fully and satisfactorily realized by your Excellency's obedient servant,

ROBERT T. SPENCE,
Captain in the Navy.

His Ex'cy Don F. G. DE LINAREZ,
Governor of Porto Rico, &c.

G.

U. S. SHIP CYANE,
St. John's, Porto Rico, Sept. 3, 1822.

SIR: I have had the honor to receive several communications from your Excellency, in reply to letters addressed to you on subjects of very considerable moment.

Your professions of respect for the laws of nations, and your determination of making them, and the laws of the "constitutional monarchy of Spain," your guides; and the intention you express of inquiring into the matters set forth in my official representations, &c., are all properly appreciated, and will, doubtless, prove highly efficacious. The laws of Spain, no doubt, are all which the accumulated experience of ages, and the united wisdom of sage men, can make them; and, if administered by one of your Excellency's impartiality, would, I am persuaded, afford no good cause of complaint.

I had the honor, a few days since, to present for the consideration of your Excellency, some of the proceedings and decisions of the constituted tribunals of the island—whether such are just or legal, your Excellency can decide—to me they seem novel and extraordinary; and, with a knowledge of some of the minor circumstances attending those vexatious trials, I cannot refrain from saying they appear strange.

I am sure your Excellency will deem it due to the dignity of the "constitutional monarchy" you represent, to cause American citizens to be indemnified for the loss sustained by such adjudications as your Excellency has been invited to investigate. It is but right and just to expect this of the laws of Spain; and while I indulge a belief that such will be the course pursued, I am led to call your attention to the policy of doing away all future occasion for dissatisfaction, by rendering the owners or captains of the privateers out of Porto Rico more accountable.

In my letter of the 29th ultimo, I requested that your Excellency would do me the honor to state how far these privateers are authorized by the authorities of the island to capture and bring in for adjudication vessels of the United States engaged in the pursuit of a lawful commerce. This information your Excellency has not thought proper to afford.

From the facility with which these small privateers are fitted out, and from the description of persons on board some of them, it has occurred to me, that they are not made to enter into penal bond, to restrain and produce responsibility for the excesses they may commit, but are left to cruise "*ad libitum.*" Under such circumstances transgressions are inevitable.

It is against the aggressions of such vessels I remonstrate—protesting against the improper privilege they have exercised, of intercepting and detaining, on the high seas, vessels of the United States engaged in a lawful trade. And it becomes necessary for me to inform your Excellency, and wish it should be known to all whom it may concern, that, with a view to prevent, as far as practicable, a state of things fraught with mischief and abuse; to guard against a maritime anarchy, to which the commerce of the United States cannot be subjected; to secure to its citizens safety, and to its flag the benefits of peace and neutrality; and to preserve the harmony my Government is desirous should exist between the two nations; I shall, as far as possible, give convoy to American vessels navigating these seas, and shall forbid and prevent any interruption or detention by any privateer or armed vessel, and shall feel it incumbent on me to treat as an enemy, and send to the United States, any privateer or armed vessel that shall cause hindrance to the lawful voyage of an American vessel, or shall be found violating the flag of the United States and the laws of nations.

Satisfied that your Excellency will look upon this course of conduct as moderate and unavoidable, I remain your Excellency's very obedient servant,

ROBERT T. SPENCE,
Captain in the Navy.

His Exc'y Don F. G. De Linarez,
Governor of Porto Rico.

No. 1.

Don F. G. de Linarez to Captain Spence.

Sir: On the receipt of your official letter, informing me, generally, of the depredations and excesses committed by the Spanish privateers of this island, upon the vessels of the United States, as I was informed, and in particular, upon the brigantine General Andrew Jackson, by the Pereira, I resolved to take the first care with respect to the last, by the information of an individual of that nation, Mr. Judah Lord.

My answers to this gentleman showed him my surprise, and the just indignation which so unlawful a transgression of the law of nations had excited in this Government; the precautions which it took to prove its truth; and the justice which animated it to punish the crime with all the rigor of the Spanish laws—laws capable of themselves of what he, on his part, can desire.

The same, therefore, that I said to Mr. Lord, I repeat to you—animated with the same principles and sentiments which govern the conduct of the supreme Government of the Spanish nation, and which form its character, acknowledged by all the nations of the earth.

But I am certain that you have not been well informed regarding the destruction and spoliations generally committed upon all American vessels. I have the most repeated proofs of the regular conduct of the Spanish privateers towards these vessels, which they have examined and respected in very considerable numbers, showing to the world that they are not desperadoes, because they know not what it means, nor thieves because they are Spaniards.

Would to God that some vessels of the military marine of the United States had observed towards Spanish vessels, and towards the national military flag, a conduct so regular! I am certain that then there would not have been the disagreeable sensations which now exist from it.

When I speak to you, sir, in this manner, I do it with respect to the scandalous attack made by the United States schooner of war, the Grampus, upon the Spanish privateer the Palmyra, which she attacked in the midst of peace, killed and wounded several of her crew, treated with indignity the Spanish flag, confined in chains the greater part of her crew, and that at the very moment when an officer was about going on board of her to present her papers, and to comply with the law of nations.

You will perhaps be informed of this attack, seldom seen in the history of civilized nations; and no doubt if you have been so with truth, as I am, you will have had the same horror and disgust; because it is impossible otherwise to consider the most sacred conventions trampled upon, and the majesty of a nation insulted; of a nation which has always preserved her rights, and which, oftener than once, has given public proofs of her constancy, and of her never having been offended with impunity.

For my part, with respect to this event, I do nothing else but point it out to you as a particular piece of news, because its decision belongs to the supreme Government of both nations. As a functionary of mine, I will not depart from the path which it has pointed out to me; justice shall always be my guide. I shall respect the laws of nations; and I shall punish, with the laws in my hand, such Spanish subjects as shall transgress their duties.

God preserve you many years.

FR. GONZ. DE LINAREZ.

Porto Rico, *August* 27, 1822.

No. 2.

Don Francisco Gonzales de Linarez to Captain Spence.

Porto Rico, *August* 28, 1822.

Sir: I have just seen your official letter of yesterday, relative to the depredations which are said to have been committed by Spanish privateers against the vessels of the United States.

As this communication is substantially the same as the former, it appears only necessary to repeat my yesterday's answer; but, wishing to give you new proofs of the justice and good faith of the Spanish government, I will enter into new explanations.

I am persuaded that the armed privateers of this island have not committed, upon the vessels of the United States, the scandalous crimes with which your personal concern has been raised, or a mistake has entered into your mind. They have

been examined by many, and have, without the least injury, continued their voyages; and doubtless, in a short time, you will be convinced of a truth so notorious.

I only speak of the privateers armed in this island, and am very far from making an apology for those that have been armed in other provinces, because I am ignorant of their conduct; and although it may have been criminal in this manner, it belongs not to my authority to punish them.

But if it is very strange that, even when there were some trifling excesses, energetical remonstrances were made for them; and the attack of the American schooner Grampus has been passed over in silence, or considered as a circumstance of no moment, in which the particular circumstance occurred of her belonging to the Navy of the United States; what comparison can ever exist between the detention of a vessel, and even committing some pitiful and contemptible depredation (if such has been done) and the attack of the other, to destroy her in a perfidious manner, to cause the death, and imprisonment of the crews in chains; and what is more, insulting and trampling upon the Spanish military flag! Who ever so openly violated the maritime law of nations? And who, after such a violation, will attempt to declaim against injuries either imaginary or immensely less!

In fine, the peace between two nations, as Spain and that to which you belong, sir, is a blessing for the preservation of which I am ready to become a sacrifice; therefore I do not hesitate to assure you that the laws will be enforced in as far as they have been transgressed; and therefore I consider myself entitled to require the same frankness and consideration from you, notwithstanding my having explained myself so rudely; because our respective Governments will do what they think proper, and will do what is most just for the well being of their people.

God preserve you many years.

FR. GONZ. DE LINAREZ.

No. 3.

Don Francisco Gonzalez de Linarez to Captain Spence.

PORTO RICO, *August* 31, 1822.

SIR: I have the honor to answer the note which you were pleased to address to me, under date of 28th instant, relative to the indemnification which ought to be made to the American vessels detained by privateers of this island, and condemned to pay costs, after being declared innocent by the courts of justice; and, also, relative to the nullity and illegality of the blockade declared against the ports of Terra Firma, for the reasons which you are pleased to give as your opinion.

The principles established by the maritime law of civilized nations are not unknown to me, nor the causes which have influenced the declaration of blockade against the ports occupied by the insurgents; nor even the maritime military force by which this declaration can be, and has been, supported; yet, as, on one hand, my authority being circumscribed to a province, at a distance from those places, has no influence, nor can have, in any official acts; and, on the other, subjects of this nature belong, by their character, to the examination and decision of the supreme governments of the nations, it is my duty to avoid all interference in them, and to confine myself to the circle of my functions.

I have before me the note which you were pleased to enclose to me in your said official letter, containing the vessels detained, with the circumstances in which they have been, and the consequences which have ensued. I owe it to the justice, to the unalterableness of my principles, and to the rectitude of the Government which I represent, to declare to you, that I shall take all the provisions within my power to elicit the truth of what has occurred with respect to the detained vessels, repeating, that you may rest assured, that the laws of the kingdom shall judge and decide upon them, without the possibility of any alteration in their legitimate application. Neither partiality nor personal interest, nor the passions, shall have any voice, or take any part in the decisions; the law shall dictate, and all (I the first) shall submit to it.

God preserve you many years.

F. G. DE LINAREZ.

No. 4.

Don Francisco Gonzalez de Linarez to Captain Spence.

Sir: I have just received the translation of your official note of the 29th ult., and which is an answer to mine of the 27th, containing, also, the former acknowledgment of the letter of the interpreter de Ponce, which was communicated to me by Mr. Lord, a citizen of the United States; and now recently of the declaration of Mr. Arthur Edgarton, mate of the brig Andrew Jackson, in which I have had the pleasure of reading that he and his companions, detained on board the privateer, had been well treated.

You will be pleased, sir, to let me know the things which have been plundered from the detained vessel, and claim the damages which have ensued on her detention. I have taken all the measures which were in my power, for eliciting the truth of the facts, in the manner provided by the laws; and when, according to them, the delinquents are tried and convicted, they shall be punished—then the tribunals established by the constitutional law of the monarchy will take cognizance, to which the power of judging and applying the laws is exclusively granted—principles from which it is impossible for me to deviate, as it is with respect to those which rule in the United States, for any functionary to deviate from them.

You may rest assured, that, if the authorities appointed there to try crimes of this class, are inexorable in their conduct, admitting nothing but law and justice, those which are in the territory of the constitutional monarchy of Spain, summoned for that purpose, will never yield in their principles of justice, and in the fulfilment of their

duties. To them it belongs to try by the laws, and to apply them, and to the political government of the people to enforce the execution of the legal decisions of the judicial power, and to watch over the observance of the laws, by taking care that no one break them.

God preserve you many years.

F. G. DE LINAREZ.

PORTO RICO, *Sept.* 1, 1822.

No. 5.

Don Francisco Gonzalez de Linarez to Captain Spence.

SIR: Your official note of the 30th ult. has informed me of the intelligence which has reached you of the motives which the schooner Grampus had for the hard and unexpected treatment of the Spanish privateer the Palmyra.

My former communications have shown you what my principles are, and what my conduct has been in this matter, as a faithful observer of the fundamental laws of the Spanish monarchy. The truth of what has happened in that capture will be the result of a legal investigation, in which sinister informations, which partiality or personal interest often dictate, have no part. When that shall have been elucidated in the way which the laws require, our supreme governments will decide with justice what is proper.

God preserve you many years.

FR. G. DE. LINAREZ.

PORTO RICO, *Sept.* 2, 1822.

Don Francisco Gonzalez to Captain Spence.

SIR: I have the honor to answer your official note of the 1st instant. Its object is—1st. The good conduct of the schooner Grampus in the capture of the Pancheta; 2d. The necessity under which the Government is of putting a stop to the operations and irregular conduct of the privateers towards American vessels; 3d. To procure the immediate liberation of those that may have been detained in the ports; 4th. Prompt indemnification for the losses they have sustained.

On making the enumeration of these matters, I must call your attention to my former answers, because they have already been treated of in them implicitly and explicitly. Notwithstanding, I will repeat to you that the decision upon the justice or injustice, the validity or invalidity, the legality or illegality, of the blockade of the coast of Terra Firma, is beyond my authority; that the privateers are informed by the ordinances of their cruise of their respective obligations, for the transgression of which they will be responsible, and punished by the laws, in the same manner as in similar cases the privateers of the United States would be by the justice of the Government, if they should transgress the limits which should be prescribed to them, but without this transgression they should not be responsible; lastly, that, by the political constitution of the Spanish Monarchy, the functions of the judicial power are clearly designated, the Government being totally prohibited from being joined with them; and one of the great props of civil liberty consisting in this clear separation. To preserve interior tranquillity and security; to procure public prosperity; to maintain established order; to watch over the observance of the laws; to publish them; to cause the execution of the decisions of the courts of justice, to be in all its parts an agent of the Government—here, sir, you may see the circle of my functions.

God preserve you many years.

FR. G. DE LINAREZ.

PORTO RICO, *Sept.* 9, 1822.

Extract of a letter from Captain Robert T. Spence, commander of the United States ship Cyane, to the Secretary of the Navy, dated St. John's, Porto Rico, September 5th, 1822.

"Since my letter of the 3d instant, transmitting my correspondence, I have had a conversation with the Governor, who begs me to be assured, that all he can do, shall be done to meet my wishes, in relation to the privateers fitted out of the Island; that those already out were equipped before he assumed the Government; that he is opposed to it, both in his private and public capacity; that future restraints shall be placed upon them; and that he will remedy all abuses, as far as he has the power. That the brig Andrew Jackson he had ordered to be set at liberty; that he should inquire into the cause of her detention, and, unless good and sufficient reasons can be given, he will take steps to cause the judge to be removed. In fine, that he will do his utmost to keep the laws of nations inviolate. That, upon the subject of blockade he can do nothing; it was a question that must be settled between the two Governments; the blockade had been declared by General Morillo, it was recognised, and the consequences of violating it were inevitable; over this question he had no control."

List of the names and force of the privateers fitted out from the various ports of the Island of Porto Rico.

Palomo—A full rigged brig, pierced for twenty guns, carries six guns (18lb. carronades;) has a complement of one hundred and thirty men. Fitted out from this port, and now on a cruise.

Pancheta—An hermaphrodite brig, pierced for sixteen guns, carries ten to twelve guns; has a complement of one hundred and twenty men—captured by the Grampus.

Schooner General Pereira—Pierced for sixteen guns, carries six to eight guns, and has a complement of eighty men; is fitted out from this place, and now in this port.

Schooner Bruequena—Carries four guns and fifty to sixty men; fitted out from this port, and now on a cruise.

Schooner Hora de la Mar—Fitted out from Foxardo, and now on a cruise; carries one gun and forty men.

Flechera la Carmen—Fitted out from Porto Cabello; carries four guns, and a complement of fifty men.

Besides the above, there are (I am informed)

three or four other small privateers, from the different ports of this island, of the names and force of which I have no knowledge.

EXPEDITION AGAINST THE ISLAND OF PORTO RICO.

[Communicated to the House, February 4, 1823.]

To the House of Representatives:

In compliance with the resolution of the House of Representatives of the 12th of December last, requesting the President "to communicate to the House such information as he might possess with regard to any expedition prepared in the United States, and having sailed from thence, within the year 1822, against the territory or dependency of any Power in amity with the United States; and to inform the House whether any measures had been taken to bring to condign punishment persons who have been concerned in such expedition contrary to the laws," I transmit to the House reports from the Secretaries of State and of the Treasury, with the documents mentioned in each. Those documents contain all the information of the Executive relating to the subject of the resolution. That a force of a very limited extent has been equipped in the ports of the United States, and sailed from thence for the purpose described in the resolution, is manifest from the documents now communicated. The reports from the collectors of Philadelphia and New York will show in what manner this equipment escaped their notice. The first information of this equipment was received from St. Bartholomew's, the place of its rendezvous. This was confirmed afterwards from Curaçoa, with an account of its failure. Should any of those persons return within the jurisdiction of the United States, care will be taken that the laws applicable to such offences are duly enforced against them. Whether any aid was afforded by others to the parties engaged in this unlawful and contemptible adventure, in the ports in which it was planned, inconsistent with ordinary commercial transactions, and contrary to the laws of the United States, will be referred to the Attorney General, on whose advice any measures in regard to them will depend.

JAMES MONROE.

FEBRUARY 4, 1823.

DEPARTMENT OF STATE,
Washington, Jan. 31, 1823.

The Secretary of State, to whom has been referred the resolution of the House of Representatives of the 12th of December last, requesting the President to lay before the House such information as he might possess with regard to any hostile expedition prepared in the United States, and having sailed from thence, within the year 1822, against the territory or dependency of any Power in amity with the United States; and to inform the House whether any measures had been taken to bring to condign punishment persons who have been concerned in such expedition, contrary to the laws of the United States, has the honor of reporting to the President copies of the papers in the possession of this Department relating to the subject of the resolution.

JOHN QUINCY ADAMS.

Mr. Ingersoll to the Secretary of State.

PHILADELPHIA, *January* 8, 1823.

SIR: Since the receipt of your letter dated the 1st instant, concerning the Porto Rico expedition, I have ascertained, as the enclosed original papers will show, that an illegal expedition was fitted out in this port against that island, and sailed from here in the month of August last.

It appears that Ducoudray Holstein and Baptiste Irvine, with about forty other persons, chartered the brig Mary, of this port, from Thomas Wattson, her owner, for $20,000, and sailed in that vessel for Porto Rico, with a quantity of muskets, sabres, pistols, cartridges, gunpowder, and other munitions of war, besides a cargo of flour, but without, as I understand, other armament of the vessel than two cannon, which she had had mounted before her employment on this enterprise. A vessel from New York, and another from Baltimore, were to meet the Mary at sea, and the three to proceed in company to their destination.

With the result of the expedition you are informed, and the enclosed letters will acquaint you particularly. They have been freely put into my hands, together with the charter-party, policy of insurance, and copy on account of the invoice, also enclosed, by a gentleman who received them as assignee of Mr. Wattson, with whom also I have had an interview on the subject, in which he was fully apprized of my object in seeking it. I understand from him that, although the business was conducted with great despatch, there was nothing clandestine about it. You will see, by the list of articles annexed to the charter-party, that bills were furnished for the printing materials and iron-mongery supplied. But I believe all these articles were purchased by Mr. Wattson. Policies of insurance were also effected on the Mary's cargo; two by insurance companies in this city, and one by an insurance company in Baltimore, (enclosed,) the tenor of which shows that the voyage was disclosed to the underwriters.

Why and how this expedition so far eluded the notice of the public officers of the United States as to have met with no obstruction, nor to have been made known to any of the Executive Departments at the Seat of Government, I am unable to inform you, further than by submitting the enclosed note, which I addressed to the collector of the port, and his answer, on the subject.

I have good reason for believing that the Minister of Spain was aware of the expedition at the time of its departure, but refrained from complaint here, preferring to take measures for its

destruction after its concentration in the West Indies.

The first knowledge or intimation I had of it was derived from the newspaper accounts of its failure.

I remain, with great respect, &c.,

C. J. INGERSOLL.

Hon. J. Q. ADAMS, *Sec'ry of State.*

Memorandum of an agreement entered into between Thomas Wattson, of the city of Philadelphia, (merchant,) and General Ducoudray Holstein, now of said city, viz:

The aforesaid Thomas Wattson, on his part, agrees to advance to the said Holstein, in cash, twelve hundred dollars, to provide for the conveyance of himself (the said Holstein) and sixty other men that he may appoint, to be embarked on board the American brig Mary, Captain Aaron Burns, and to be landed on the west side of the island of Porto Rico: and further, to deliver from on board the said brig to him, (the said Holstein,) or to his order, all articles, in good order and condition, as they are specified in the annexed list; the duties and expense of landing the said men and articles to be paid by the said Holstein. Captain Burns, however, is to render the necessary assistance his crew and the brig's boats can furnish, according to the custom of the island. And the aforesaid General Ducoudray Holstein, on his part, agrees to pay, or cause to be paid, unto the said Thomas Wattson, or to Mr. Isaac Reid and Captain Aaron Burns, his agents, the full sum of twenty thousand Spanish milled dollars, on or before the delivery of the said goods or articles, or to give them (the said Reid and Burns) good and satisfactory security that the aforesaid sum of twenty thousand dollars shall be paid within five days from the safe arrival of the said brig at the place of landing, which the said Holstein shall have to select; but it shall be optional with him (the said Holstein) to pay one-half of the above sum of twenty thousand dollars in produce of the island of Porto Rico, provided it be invoiced at one-third less than the current prices of the place of shipping, and to be consigned to the said Thomas Wattson, of Philadelphia, to be sold for account and risk of the said Holstein, and the net proceeds placed to his credit.

It is further agreed between the parties that eight days shall be allowed for the delivery of the cargo and for the shipping of the specie and return cargo on board said brig; and for each and every day's further detention of said brig over that time, the said Holstein is to pay, or cause to be paid, one hundred dollars per day demurrage; but, in no case, shall the brig be detained above fifteen days, except by consent of the aforesaid Isaac Reid and Captain Aaron Burns, agents for the said Thomas Wattson.

It is also agreed that for any small or unimportant deviation, either in quantity or quality, of the goods or articles specified in the annexed list, no abatement shall be made from the aforesaid sum of twenty thousand dollars; and that this agreement shall not be considered void until the said Thomas Wattson shall receive the full and net sum of twenty thousand dollars; but no advantage shall be taken by either party of any informality in this agreement, as it is made in the full faith and confidence of the parties.

Witness, this first day of August, one thousand eight hundred and twenty-two.

H. V. D. HOLSTEIN,
THOMAS WATTSON.

THOMAS WELSVUGER, } *Witnesses.*
ISAAC REID, }

List of articles for General Ducoudray Holstein, as per annexed agreement, dated August 1, 1822.

One hundred muskets.
One hundred and twenty sabres and belts.
Fifty drums.
Sixty speaking trumpets.
Thirty pairs of pistols.
Sixty jackets and trowsers of blue nankeen.
Sixty straw hats.
Thirty pairs of blankets.
Fifteen kegs of powder.
Fifteen fixed cartridges.
A quantity of medicine, per bill of J. Wittburger.
Three hundred pounds of musket balls.
Two thousand flints.
One box of mould candles.
One box of spermaceti candles.
Two hundred pounds of soap.
Twenty pounds of sewing twine.
Three hundred gunny bags.
Four pieces of bombazettes.
Two pounds of wafers.
Six pounds of sealing-wax.
Two spy glasses.
One dozen lanterns.
One dozen tinder-boxes.
A quantity of paper, printing materials, and blank books, per Lafourcade's bill.
Six penknives.
Fourteen pairs epaulettes.
And a quantity of hardware, consisting of axes, shovels, spades, hammers, hatchets, pincers, saws, files, needles, nails, &c., per Crap's bill.

BY THE PATAPSCO INSURANCE COMPANY.

No. 3568—CARGO.

This policy of insurance witnesseth, that the Patapsco Insurance Company have insured, and hereby do insure, Nathaniel Pearce, for account of whom it may concern, as well in his own name as in the name or names of all and every other person or persons to whom the same doth, may, or shall appertain, in part or in the whole, lost or not lost, at and from Philadelphia to St. Bartholomew's, St. Thomas's, and the privilege of three ports on the west side of the island of Porto Rico, (say Ponce, Mayaguez, Aguadilla,) and back to Philadelphia, or a port in the United States:

Five thousand dollars upon all kinds of lawful goods and merchandise, laden or to be laden, on

board the brig called Mary, whereof is master for the present voyage Burns, or whoever else shall go for master in the said vessel, at Philadelphia, beginning the adventure upon the said goods and merchandise from the loading thereof on board the said vessel, and continuing the same until the said goods and merchandise shall be safely landed at the ports aforesaid.

And it shall and may be lawful for the said vessel in her voyage, to proceed and sail to, touch and stay at, any ports or places, if thereunto obliged by stress of weather, or other unavoidable accident, without prejudice to this insurance. The adventures and perils which we the insurers are contented to bear and take upon us in this voyage, are of the seas, jetsams, and all such other perils, losses, and misfortunes that have or shall come to the hurt, detriment, or damage of the said goods and merchandise, or any part thereof, as insurers are legally accountable for—warranted, nevertheless, by the insured, free from any charge, damage, or loss which may arise in consequence of a seizure or detention of goods and merchandise hereby insured, or of the said brig, by reason or on account of any illicit or prohibited trade, or trade in articles contraband of war.

And all tobacco, salt, hides, skins, peltry, fish, fruit, wheat, Indian corn, Indian meal, peas, beans, flax-seed, or any other kind of grain or seeds, rice excepted; bread, coffee, and cocoa, stowed in bulk; all liquids, in casks or otherwise; and all other articles perishable in their own nature, are warranted by the insured free from average, unless general, or the ship be stranded; coffee, and cocoa, in bags, free from average, unless above ten per cent., or general; and all other goods free from average under five per cent. unless general.

And in case of capture or detention for adjudication, the insured renounce all claims against the insurers for demurrage; and in case of detention arising from stress of weather, the insured renounce all claim against the insurers for demurrage, seamen's wages, and provisions.

And in case of any loss or misfortune by any of the perils insured against, it shall be lawful to and for the insured, his factors, servants, and assigns, (and the insured on his part agrees and engages for himself, his factors, servants, or assigns,) to sue, labor, and travel for, in, or about the defence, safeguard, and recovery of the said goods and merchandise, or any part thereof, without prejudice to this insurance, to the charges whereof the said insurers will contribute, according to the rate of the sum hereby insured. And so the said insurers are contented, and stand bound to the insured, his executors, administrators, and assigns, for the true performance of the premises, confessing themselves paid the consideration for the insurance by the insured at and after the rate of five per cent. flat premium.

It is understood that this insurance is against sea risk only.

In case of loss, the same shall be paid in sixty days after proof and adjustment thereof, without any deduction, (except the amount of the premium, if then unpaid,) provided such loss shall amount to five per cent. on the sum hereby insured; under which no payment shall be made, unless in case of general average. In all cases of return premium, one-half per cent. on the sum insured shall be retained by the insurers. No part of the premium shall be returned or abated on account of any deviation from the voyage hereby insured. It is hereby agreed, that the insured shall not abandon to the insurers, until thirty days have elapsed after having given notice to them of his intention so to do, and of the loss or event which may entitle the insured thereto. It is declared and understood that, if the above-mentioned brig, after a regular survey, should be condemned for being unsound or rotten, the insurers shall not be bound to pay the sum hereby insured, nor any part thereof. It is also agreed by the parties of this policy, that in all instances when insurances are made to or from any ports or places at or on this side of the Cape of Good Hope, or Cape Horn, the lapse of twelve months from the time of sailing, or being last heard of, shall be considered as proof or loss, which loss the insurers agree to pay without further delay; and to or from any ports or places beyond either of the said capes, the lapse of eighteen months from the time of sailing, or being last heard of, shall be considered as proof of loss, entitling the insured to receive payment as aforesaid. And it is also mutually agreed by the parties to this policy, that if any dispute should arise relating to a loss or return premium on this policy, it shall be referred to two persons; one to be chosen by the insured out of three persons to be named by the president of the said company, and the other by the said president out of three persons named by the insured, who shall have full power to adjust the same; and in case they cannot agree, then they shall choose a third person, and the decision of any two of them shall be obligatory on both parties.

In witness whereof, the President of the said Patapsco Insurance Company hath subscribed his name and the sum insured, and caused their corporate seal to be affixed hereto, at the city of Baltimore, on the fifteenth day of August, in the year one thousand eight hundred and twenty-two.

LEWIS BRANT,
President pro tem. Patapsco Ins. Co.

CURAÇOA, *September* 25, 1822.

SIR: I am very sorry to tell you that after running great risks both as to lives and property, we arrived at this place on the 19th of this month. The expedition is completely destroyed, as some of the principals and the commander-in-chief are taken into custody by the authority of the Chief Magistrate of the island, and the vessel also that accompanied us to this place, which was a brig that joined us at St. Barts.

The brig Mary and cargo are safe, and most of her cargo is out and will be ready for sea in about ten days, unless prevented by Mr. Reid, as he and I do not agree. Yours, respectfully,

A. BURNS.

Mr. THOMAS WATTSON.

N. B. This is in haste. I will give you every particular in my next, which will be very shortly.

CURAÇOA, *September* 26, 1822.

SIR: I have arrived at this place after encountering many difficulties and dangers both to lives and property. Every thing relating to the expedition is completely destroyed, and all that is saved are the provisions and brig. As [to] the military stores, [it] is doubtful whether they will be confiscated or not. As soon as I collect all the particulars relating to this unfortunate event, I shall endeavor to give them to you.

The reason why we are here is, that the General has deceived all who have had anything to do with him; and while at St. Barts, and since, [there has been] nothing but quarrelling and dissatisfaction amongst those who ought to have been united.

Yours respectfully,

AARON BURNS.

Mr. T. WATTSON, *Philadelphia.*

N. B.—The brig and cargo are clear, except the military stores.

Aaron Burns to Thomas Wattson, dated at

CURAÇOA, *September* 26, 1822.

SIR: It falls to my part to inform you that every thing relating to the expedition is entirely destroyed. I will endeavor to give you all the particulars relating to this unfortunate expedition, and every transaction that has come within my knowledge shall be fully related.

We left the capes of Delaware on the 11th of August; on the 13th arrived at Barnegat; after cruising twenty-four hours off that place for our consorts, and not finding them, we proceeded on our passage for St. Barts. Nothing of consequence happened on our passage, except a little assumption on the part of Mr. Reid, which was highly resented by some of the passengers; they supposing him not vested with such high authority as he assumed. On the 8th of September, we arrived at St. Barts; we found Captain Gould, who is deeply concerned in the expedition, and who had been waiting some days for our arrival, he having arrived from New York in the schooner Selina, Captain Sisters; you have doubtless heard the General mention his name. He came on board, and desired us to come into port, which was immediately done, after consulting with General Holstein, who advised to that effect. At that place all the chief officers went on shore, where there was nothing but disputations between them and Mr. Reid, as they wished to take part of the cargo to raise funds. Four days after, arrived schooner Andrew Jackson, Sanderson, from New York. After lying here five days, we were *ordered* off by the Governor, who repeated his order, declaring he would fire into us if we did not immediately obey the order. We left the principal officers on shore, and made sail for the Five Islands, at which place we arrived in two hours, it being only ten miles distant; both schooners from New York anchored there also, and a sharp built brig, called the Endracht, formerly the American privateer Saratoga, which had been bought at St. Barts by Captain Gould for the expedition. In the afternoon, all the officers who were compelled to leave St. Barts came on board. While at the Five Islands, nothing but the most violent disputes and contention was visible among the principal persons, and at last it was concluded to put all the military stores on board the brig Endracht, which was done, she being a very fast sailer. Several reports were current at this place, viz: that the inhabitants of St. Barts intended to rise and come against us; next, that several French men of war were cruising off for us, they having understood that the expedition was intended against St. Martin's and Guadaloupe. We all got under way immediately; the schooner Andrew Jackson proceeded to St. Barts, after having put all her military stores on board of the other brig, together with her passengers, to about thirty people in number, (the sharp brig, or Endracht, had in all about sixty in number,) all of the vessels doing the same; the rest, three in number, immediately put out to sea, as I thought with an intention to proceed to Crabb Island, to windward of Porto Rico, where the General repeatedly declared that every thing was in readiness to prosecute the expedition; but, after being at sea about six or eight hours, Mr. Irvine and the Captain of the brig came on board, and declared that they had determined to proceed to Laguyra, instead of Crabb Island, the General having raised their expectations to the highest pitch in respect to procuring several hundred men at the latter place; they then discovered they had all been deceived, and that he had been guilty of the basest deception in holding out to them ideas which he never expected himself to be realized. We accordingly steered for Laguyra, but we got separated; some time after, Mr. Reid wished to go on board the other brig on some business, and I endeavored to come up to her, in which I succeeded; he went on board, and returned soon after, apparently very much alarmed, as he declared that they had threatened to detain him on board, and, with much uneasiness in his looks, also said they were desirous of sending a part of the passengers on board, to which I was strongly opposed. I then hailed the brig, and told them the decided course I should pursue; that if it was necessary to save the lives of the passengers, I would do all in my power to assist them; if, on the contrary it was only a wish to get rid of some of them that I would not take them on board; but would at any rate stay by them, and render them all necessary assistance; on which the French passengers in the other brig declared, unless I hove to they would fire into me, and they had actually their muskets ready; on which I was compelled to heave to, and take some of them, but not until Mr. Irvine had come on board and said that their determination was to fire unless their demand was complied with. Those who had declared their determination to fire were nearly all French, to whom the General always appeared particularly partial; their determination was not only to fir

into the brig, but to endeavor to kill all hands and take the brig from me. The number I took on board was twenty-six, mostly black, and of the lowest class. I then immediately lost all confidence in the principals, and determined to save the brig and cargo by getting her into the first port; and I succeeded in getting her in here on the 20th of September, and on the next day the brig arrived that I took the passengers out of. Both vessels were taken possession of by the orders of the Governor. After various examinations and questions, the Mary was given up; but the other brig is still in the hands of Government, with her cargo, which I believe will be cleared in a few days—at any rate, the cargo. Since we have been here, there have been continual disputes and contention among the passengers, myself, and Mr. Reid; some will have one thing, and some another.

I have determined to abandon the expedition, and save the brig and what cargo is left, as, in my opinion, there is but little confidence to be placed in any one, and great deception. The General at this time is confined; for what, I cannot say; the rest of the principal officers are rambling about, but not permitted to leave the place. The Mary's cargo is all out, and I shall take in for home in two or three days. All the cargo I had on board when we arrived here was the flour, beef, pork, bread, and saddles, with some trifling articles. as everything else was put on board the brig Endeacht at the Five Islands. I will conclude by observing, that the deception practised by the General almost exceeds the bounds of belief; for the resources and funds which he so repeatedly declared that he possessed in the West Indies were totally false, and every thing that he has said in relation to the expedition has proved a chimera of the wildest nature; and I cannot but believe him to be a foolish old man, whose ideas are almost obscured by age; and that he wanted not only the abilities to command, but a knowledge of the place to which he was destined, as his ignorance of the latter was only exceeded by his incapacity for the former.

AARON BURNS.

Mr. THOMAS WATTSON.

CURAÇOA, *October* 12, 1822.

SIR: I have written you all the most particular transactions since we left Philadelphia. I only have to add, that the General is still confined, and the principal officers are not permitted to leave the island. Every thing has been confusion and disorder amongst the passengers since our arrival here; and I do believe the most of them are a complete set of renegadoes, who are willing to say and do any thing for the sake of gain. For my part, I would scarcely trust any one, as they have said and declared to so many falsehoods respecting the expedition, and are still going on in the same way. The brig Mary is loaded with freight for New York, and will sail in about four days, unless something turns up that cannot be foreseen. Mr. Reid, I expect, has given you all the necessary information respecting the cargo, as to sales, &c. Yours, respectfully,

AARON BURNS.

Mr. THOMAS WATTSON.

I. Reid to Thomas Wattson, dated at CURAÇOA, *October* 17, 1822.

MY DEAR SIR: Being detained here by this Government, and knowing not when leave will be given me to leave this miserable place, you may probably think that I ought to give you a detail of every thing relative to us since I left Philadelphia. But, as this will be handed you by Captain Burns, and as he himself has but barely escaped from the sad predicament in which all our concerns here are involved, I refer you to him for all the particulars. Yours, &c.

I. REID.

Mr. THOMAS WATTSON, *Philadelphia.*

JANUARY 8, 1823.

SIR: Representations having been made by the Spanish Minister residing in this country that. in the course of the last Summer, an illegal expedition against the Spanish island of Porto Rico was partly armed and fitted out in the port of Philadelphia, I have been officially requested by the Secretary of State, under the President's direction, to collect and transmit to the Department of State any information concerning it which I can obtain, and particularly to ascertain why and how that expedition, if so armed and fitted out, so far eluded the notice of the public officers of the United States as to have met with no obstruction, nor to have been made known to any of the Executive Departments at the Seat of Government.

According to this instruction, I have ascertained that an illegal expedition against Porto Rico sailed from this port in August, on board of the brig Mary, Captain Aaron Burns.

I request you to let me know, for the information of the Executive, why that vessel was not detained by you until the President's decision, or the owner's bond was obtained, as the law requires of the collector, in case of an illegal expedition.

I will thank you for an early answer to this inquiry, and remain, very respectfully, your humble servant,

C. J. INGERSOLL.

JOHN STEELE, Esq.,
Collector of the Port of Philadelphia.

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232 barrels of superfine flour.
90 barrels of navy bread.
20 barrels of pilot bread.
40 barrels of beef.
43 barrels of pork.
3 puncheons of rum and 1 cask of wine.
27 saddles and 27 bridles.
112 cartridge boxes.

The above goods were shipped on board the brig Mary, Captain Burns, in addition to the list

attached to the agreement; part of which was for the use of the passengers, and, consequently, not cleared out at the custom-house; and, in fact, some of the articles purchased after the vessel was cleared out; but every thing of importance, and what was considered as cargo, was regularly cleared out. The cost and charges of the whole, including the cash advanced, amount to $10,326 90.

THOMAS WATTSON.

PHILADELPHIA, *Jan.* 7, 1823.

Robert Tillotson to the Secretary of State.

NEW YORK, *January* 23, 1823.

SIR: I have the honor to enclose an extract from a communication on the subject of the expedition in part fitted out in this port against the Spanish island of Porto Rico. Delicacy to those who have been good enough to give the information prevents me from accompanying this statement with the names of my informants. Should you, however, deem it necessary that a disclosure, on the authority of their names, should take place, I am authorized to say it shall be done.

Why this expedition eluded the vigilance of our public officers may in part be explained by that vigilance not being necessarily excited by a shipment that did not, in fact, develope its character until it left this port.

With great respect, &c.

ROBERT TILLOTSON.

Hon. J. Q. ADAMS, *Secr'y of State.*

[EXTRACT.]

Early in the month of August last, or thereabouts, there appeared in this city a Mr. Vogel, representing himself to be an agent of General William Henry Ducoudray Holstein, by him furnished with power to raise men and officers, and obtain supplies of arms and munitions of war, for the purpose of revolutionizing a Spanish colony, the name of which, for prudential motives, was concealed, until it might be more expedient to disclose it; at the same time, representing that the object in view had the sanction, through her agent in Philadelphia, of the Colombian republic, under whose flag, and in conjunction with whose forces, it was to be carried into effect; General Ducoudray in particular asserting, as we were informed, that Commodore Daniels, with his squadron, would co-operate in the attack. In consequence, on the 13th of August last, two vessels, the Andrew Jackson and the Selina, both schooners, sailed from New York, having on board a number of passengers, principally Americans and French, all of whom we believe (and in our own particular case do assert) were under the persuasion that our operations were to be conducted under the Colombian flag; the cargoes, consisting of muskets, sabres, saddles, powder, lead, and provisions, in packages of various sizes, having been shipped as merchandise for St. Thomas's or St. Barts. On leaving this port, we proceeded directly to the spot appointed as the place of rendezvous between our vessels and a Colombian twenty-two gun brig, which we had been taught by the agents of General Ducoudray to expect to fall in with off Barnegat—on board this vessel which he asserted would sail from Philadelphia with men, arms, &c., it was our expectation to be transferred. After cruising some time on the above mentioned ground without falling in with any such vessel, we proceeded (as had been preconcerted) to the second point of rendezvous, St. Barts. It may not be amiss, in this place, to remark, that a sail appearing in sight which was mistaken for our expected consort, a flag was displayed at the mast head, which we have since discovered to have been an assumed one, but respecting which we were at the time kept in ignorance whether it was a private signal or the Colombian flag, though we generally supposed it to be the latter. The Andrew Jackson being a dull sailer on a wind, and the weather proving adverse, our consort, the Selina, parted company, taking on board some of our principal officers, with intention to make the best of their way to St. Barts, to expedite some preparations making in that place. About this time it became known to some individuals that our destination was Porto Rico, though the same was not generally understood until about the time that we arrived at St. Barts: no suspicion being yet entertained that we were deceived respecting the expected succors and the protection of the Colombian flag. On our arrival at St. Barts, we learned that, instead of the Colombian brig, a vessel had arrived from Philadelphia, called the Mary, with men and arms; and that, in consequence of the non-performance of General Ducoudray's engagement, a vessel had been purchased in St. Barts, which had been a few days previously taken by a patriot privateer from the Spaniards. The Andrew Jackson did not enter the harbor of St. Barts, but lay on and off for three days, at the expiration of which time she received orders to make sail for Five Islands, where, on our arrival, we found lying in a small bay three vessels, the Mary, Selina, and Endracht (as she was then called,) being, for some reason unknown to us, under Dutch colors.

At this place we first saw Mr. Irvine and General Ducoudray, and several persons to whom he had, as we understood, given commissions; but of what description we know not, as we, the subscribers, never received any, nor saw one, until after our arrival at Curaçoa. The Governor of St. Bartholomew's, as we were informed, suspecting something of an improper nature in the expedition, had ordered these three vessels out of port in consequence of which, but few of the soldiery there enlisted had been taken on board. The latter part of the day of our arrival at Five Islands was occupied in transferring the passengers, arms, munitions of war, and part of the stores, from the three vessels last mentioned into the newly purchased brig Endracht, and on the following morning the Endracht, Mary, and Selina weighed and set sail (as was believed) for Crabb Island and St. Thomas's, there to take on board troops which had been previously raised; the Andrew Jackson entering the harbor of St. Barts to dis-

ose of the remainder of her cargo; from and after which time we saw nothing more of her or of the Selina. On the same day, at sea, to our utter astonishment, we were informed by the captain of the Endracht (though the same was probably already known to some of the senior officers) that we had been deceived by General Ducoudray with respect to the existence of any Colombian commission for the vessels; on which the determination was, we believe, pretty general to leave the expedition on the first opportunity. About this time a council of the higher officers was held, in which it was determined that we should immediately proceed to Laguyra, to obtain the requisite commissions and a reinforcement of men; but this resolution was rendered impracticable by the discovery that the vessel was in danger of sinking; the guns were immediately thrown overboard, and the upper masts and spars sent down to ease the vessel; and the same evening, it coming on to blow hard, she was so damaged, and made so much water, that the master determined to enter the port of Curaçoa, stating that an attempt to enter that of Laguyra in our crippled state would unavoidably subject us to capture, as that place was in a rigid state of blockade. In consequence of the warped and colored representations of some interested person, a totally undeserved stigma has attached to the character of the Americans engaged in the expedition, by the assertion that they wished to fire into an American vessel. This vessel was our consort the Mary, the captain of which, refusing to take on board any of the passengers from the Endracht, (though informed that she was in danger, and had but one boat on board) was compelled by the threats of the troops on board this last vessel, being within half musket shot, to bring to for that purpose; but in this attempt to compel that assistance so inhumanly denied, however warrantable by the law of self-preservation, no American, we affirm, was engaged; and as no organization of the troops had taken place, they could not, had they been so inclined, have prevented it. Some of the passengers in the Mary from Philadelphia had signed, as they informed us, a declaration of independence; but the same was never seen by the subscribers, [to this communication,] and the first and only copy of General Ducoudray's proclamation seen by us was on our homeward passage in another vessel, and was the same of which a translation appeared in the public prints. During an alarm occasioned by the appearance of the United States sloop Cyane, which was taken for a Spanish frigate, a bundle said to contain proclamations was brought on deck with intent to throw it overboard; but the Mary, being to windward of us, was first boarded by an officer from that ship, and, stating us to be a vessel in distress under her protection, the Cyane stood upon her course, and the proclamations were again carried below. On our arrival at Curaçoa, a Spanish admiral in that place demanding that an inquiry should be instituted into the nature of the expedition, such an inquiry accordingly took place; and circumstances appearing to justify such a measure, General Ducoudray and Mr. Irvine, who, as we understood, had signed the proclamation as Secretary of State, were arrested. The papers of the Endracht having been discovered at once to be forged Dutch papers, she had been already confiscated; but the master of the Endracht having succeeded in proving (as he himself informed the subscribers, who have since seen him in this city,) the cargo of that vessel to be American property, shipped at New York and Philadelphia, it was given up, as was the brig Mary and cargo, which had also been libelled; nothing having occurred in the proceedings of the court (before the departure of the Mary) to show her connexion with the expedition.

The subscribers know little further of the proceedings of this court (which was still in session when they came away) than that, to our very great surprise, we heard that General Ducoudray and Mr. Irvine had there asserted that they had the sanction of the United States in preparing such an expedition; in relation to which, we can only say that such a thing had never been mentioned to us; but only that they had the authority of Don Manuel Torres, the Colombian agent at Philadelphia, and (he dying before the completion of the scheme) of his successor, Mr. Duane; for which reason we consider the assertion which we have above alluded to as ungrounded, and only intended to answer some private purpose of the General and his secretary.

Extracts from a letter of Mr. Robert M. Harrison to the Secretary of State, dated St. Bartholomew's, 16th September, and received at the Department of State 14th of October, 1822.

"I have the honor to inform you that there is an expedition, consisting of the following vessels, under the American flag, now at anchor in the Five Islands, for the purpose of going against Porto Rico, viz: schooner Andrew Jackson, of and from New York, captain's name unknown—cargo flour, salted provisions, and munitions of war; brig Mary, of and from Philadelphia, Burns, master, laden as above; schooner Selina, Sisters, master, cargo the same as the others; the Dutch hermaphrodite brig Endracht—that is to say, she hoists Dutch colors, but, in reality, has no papers, being a prize to a Colombian cruiser, which came here originally under the American flag: all these vessels are, apparently, under the direction of a Captain William Gould, who pretends that he is under bonds to the amount of $150,000.

"The chief of this expedition is a person of some celebrity, by the name of *Ducoudray de Holstein;* and I am sorry to say some citizens of the United States are engaged in it, not only of splendid talents, but who have heretofore held honorable and confidential situations under our Government, and who, I fear, will be forever lost to the country.

"I have been the more particular in detailing this affair to you from the circumstance of its originating in the United States, and its being prosecuted under that flag.

"I regret that none of our vessels of war should

be here, as they might inquire into the conduct of the commanders of these vessels."

Mr. Cortland L. Parker, American Consul at Curaçoa, to the Secretary of State, dated

AMERICAN CONSULATE,
Curaçoa, September 27, 1822.*

SIR: On the 21st a brig, under the Netherlands flag, and another, under the American, arrived at this place from St. Bartholomew's; the former had on board Mr. Ducoudray Holstein, formerly a general in the Venezuela service, and a number of others, mostly European French, composing his staff as general, on an expedition against the Spanish Government of Porto Rico. On board the Mary, of Philadelphia, were several young men from the United States, mostly citizens, and of considerable respectability, attached to the above expedition. The vessels were brought in against the will of the General and all his foreign passengers, the masters declaring that they would follow no longer in an expedition unwarranted by their country or any other, and without either commission or force equal to the attempt.

The Dutch brig has been seized, and will no doubt be condemned, as her papers are false; the cargo I hope to get released as American property. The American brig has been permitted to unload her cargo, as usual, though under very strict examination.

The most correct information I can give you is in the proclamations enclosed, which I have with difficulty obtained permission to keep; but the most strange part of the affair, and of that which proved the unfitness of Ducoudray Holstein to carry on such a plan, is, that he has bulletins ready written, in which he declares the brilliant success of the expedition. There are also letters from Mr. Irvine to Mr. Duane, wherein the success of the attack and landing is described at large.

I think it my duty to state these circumstances to you as soon as possible; and have the honor to be, with the greatest respect, your humble servant. C. L. PARKER.

HON. JOHN QUINCY ADAMS,
Secretary of State, Washington.

PROCLAMATION.

The General-in-Chief of the Army of the Republic of Boliqua (formerly Porto Rico) to the inhabitants of Porto Rico.

To arms, Americans, to arms! come and join our standard; your reward will be independence, your reward the name of free and brave Americans.

Our enterprise is easy and brilliant; the Spanish Governor has no other auxiliaries than those of the country, and he confides in your generosity! And what American could be such a traitor to his country, to his family, as to remain in the service of the King, and assist his tyrants to enchain us again?

To arms, companions, to arms! Live our independence, live our liberty! God, justice, reason, our valor, our union, and our sacred rights, call us and will protect us! Look at your families, your parents, your friends; think of their misery, of their slavery; and choose between chains or liberty!

Let the numerous patriots of this land who have called me come immediately to our headquarters to be rewarded; let the valiant friends of independence unite under our banners; all shall be very well received and employed, according to his taste and his merits. The greatest part of you know me as one of the chiefs of the independence from the year 1811, and know that, as an old soldier, I have distinguished myself in the defence of the fortresses of Boca Chica, and I am, moreover married to a young American lady of Santa Fe de Bogota. I promise you liberty, a fixed and firm republic, if you choose to follow my counsels, and assist me, as your own interest requires, with your union, your zeal, and your valor.

That there may be regularity and order, I decree the following:

ARTICLE. 1. Every one shall have protection and security of property. The person infringing this shall be punished capitally.

ART. 2. There shall be profound respect for divine worship, the churches, and the ministers of God, under pain of death.

ART. 3. The slaves shall not be set at liberty; otherwise, the country would be ruined, and the greatest disorders would take place.

ART. 4. The General-in-chief shall choose from among men of property, talents, and experience, inhabitants of the country, counsellors of state, who shall labor, conjointly with him, for a wise and solid organization; for laws, the maintenance of justice and of the tribunals; for the establishment of a good administration. These counsellors shall be engaged, later, in forming a project of a Constitution and the mode of convoking a Congress.

ART. 5. The etat major shall dispose and organize what relates to the forces by land and sea.

ART. 6. Military men who serve under the royalist flag, European Spaniards, Americans, or strangers, shall have superior rank, if they come immediately to our side with their arms; or they shall be rewarded according to their merit.

ART. 7. European Spanish civil officers, physicians, surgeons, and apothecaries, shall all remain in their situations until a new order, and those who conduct themselves well shall be continued.

ART. 8. There shall be appointed in each town one or more commissioners, to appoint freemen of the vicinity as citizens of our republic. Those who shall not conform to that order shall be treated as enemies of our cause. We shall keep a similar register at our headquarters.

ART. 9. Americans born in the country shall enjoy the greatest advantages; they shall have the

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*Received at Department of State 8th November, same year.

right of being employed in the Government, or in the army, according to their merits.

ART. 10. Foreigners, defenders of the country, or very useful with their talents and their industry, justly deserve the name of citizens. and shall enjoy the same rights as the rest.

ART. 11. Town councils shall, without delay, send us a deputy; other voters shall remain each in his place and employment, to maintain quiet and order. The town councils which shall not conform to this article shall be treated as enemies of the country, and be brought before a military commission.

ART. 12. In each town a city militia shall be organized, which shall serve, till all be quiet, to maintain the public security.

ART. 13. There shall be raised a corps of infantry, and another of cavalry, composed of young citizens, who can equip themselves at their own expense, under the name of guards of honor. These guards shall have a brilliant uniform, and shall march with the General-in-chief.

ART. 14. All prisoners of state, whom the Spanish Government has confined for the sake of their political opinions, shall be set at liberty.

ART. 15. In each seaport in our power, all vessels shall be at once laid under embargo. None of them shall sail without leave in writing from the General-in-chief; the captains and their crews who shall assist us shall have the greatest advantages, according to their services and their merit. Those who do not conform to this embargo will expose themselves to all the rigor of the laws. The vowers of the town council and the officers of the custom-house shall be responsible for the execution of this article.

ART. 16. Each town, each city, each individual, &c., who shall first rise in favor of independence, and shall send us deputies, or shall join us, shall have great rewards and privileges, according to their merit.

ART. 17. Commerce shall be free; and, to alleviate the public misery, the duties of entry and clearance in our ports shall be reduced to the half of what they were before for all articles of primary necessity.

ART. 18. The prohibition of any article whatever in the time of the King is null, and all may be introduced into our ports.

ART. 19. The beginning of the Government shall be very liberal, and shall protect not only commerce, but agriculture, industry, arts, sciences, public education, and the talents of the citizens.

Nothing shall be neglected that will give to our public solidity and prosperity. The General-in-chief will receive with gratitude all plans and projects from any person whatsoever which tend to propose an establishment useful to the country; and such individuals shall be rewarded.

When every thing shall be well arranged that the republic be quiet, fixed, and firm, that we have a Congress and a wise Constitution, that the three powers be well distinguished, then we shall be able to cry out, with truth, Live the country, live our independence, and perish the disturbers of it!

Given at our head-quarters of ——.

LUIS V. D. HOLSTEIN.

Solemn Act of the Declaration of Independence.

The Spanish Government has given us the most forcible proofs of its tyranny, of its bad faith, and of its incapacity to protect and to govern us. The experience of three hundred years has made known to the whole world its passions, its unjust and perverse pretensions.

We have proved our gratitude and love to the Spanish Government with our fortunes and our blood; we have offered, in the beginning of the invasion of Spain by the troops of Napoleon, assistance, and every thing which a friendly nation can offer, without the least interest. Our recompense was the most unjust contempt; and, moreover, by a total abandonment of us to our own defence against the enemies of Spain, the Cortes, the Regency, and the King treated us as rebels, as perverse criminals, and pursued us with an unjust and cruel war, without our having given them any other reason than that of desiring to enjoy the same rights as the European Spaniards.

The Spanish Government has always desired to treat us as subjects, as slaves; it has been deaf to our just and lawful remonstrances; it has never ceased from tyrannizing over us; this Government has now lost our confidence, and is incapable and unworthy to govern us more.

Fully impressed with these truths, we declare solemnly before the Almighty God, before the whole universe, that we are resolved to suffer a similar tyranny no longer. A free, independent, and wise Government will give us happiness, strength, and consistency.

That order, union, activity, and the energy necessary in all the operations of our Government, may predominate, we have decreed as follows:

ARTICLE 1. Our General-in-chief is elected unanimously, and appointed President of the new Republic of ——.

ART. 2. The President is the provisional, civil, political, and military chief. He shall direct all the branches of the Administration, and of the forces, by sea and land, and shall appoint to all the offices, until the Congress shall be convened.

ART. 3. Our Republic shall, from this time, leave off all communication with the Spanish Government.

ART. 4. The President is authorized to appoint a sufficient number of men of property and talents to form a Council of Government. These counsellors shall endeavor with him to consolidate and give activity to the well-being of the country.

ART. 5. A National Congress shall be assembled when the enemy shall be out of the territory of our country, and all shall be quiet and peaceable; then a project of constitution shall be attempted, and the installation of the legislative, judicial, and executive power shall take place.

Given at ——.

Instruction of the General-in-chief, Provisional President of the Government of the Republic of ——, to the foreign officers serving in the army, by land and sea, of the said Republic, on the manner of conducting themselves with regard to the American inhabitants of the country.

It gives your chief pain to issue this instruction, although he is convinced of its utility. He hopes that you will make it your study, and follow it exactly.

The principal object of this instruction shall be, to cause the inhabitants to forget that you are strangers. It is indispensably necessary that their jealousy and natural hatred of all that bears the name of foreigners be forgotten, and that the reluctance they may feel to seeing you at their head should disappear, and be converted into esteem and admiration of your conduct and your talents. You will soon compel them to cherish you; and, in fine, to regard you as their brothers, their friends, and their superiors; then your chief will be content and satisfied. He has pursued the same course, the same conduct, and that for five years; and from the first year he has caused himself to be loved and to be respected to such a degree, that one word of his has had more effect than all the most rigorous punishments of their own native chiefs; for the officer and the soldier name him only as their father.

It is therefore his experience, it is the result of a very long and constant study of the character of this people, which he here presents to you. In following this instruction most exactly, you will find yourselves happy and content; in neglecting it, you will not only suffer personally from it, but your carelessness, your imprudence, your disobedience, will have an influence upon the well-being of your comrades, and upon that of all the foreigners who surround you. Wo to him, then, who shall wish to deviate from it; I shall immediately know him, and I shall be obliged to punish him rigorously, and to drive him from the midst of our ranks, which he would dishonor as a bad citizen, as a perverse and dangerous man, who obstinately persists in being guided only by his passions, and who would sacrifice the well-being of thousands of his equals upon the altar of a short-lived vanity. I am, as you know, upright, humane, indulgent to trifling faults; but I will be very severe, even inflexible, towards all those who shall give just causes of complaint, by having maltreated, without cause, either by word or deed, any American inhabitant, military or civil. The principles by which I am guided are known and simple—those of being impartial and just. The foreigner shall be treated as the American; the American as the foreigner: merit alone shall distinguish them.

Do you wish to be citizens of this country, and then to enjoy all their rights? Do you wish to aspire to the highest places in the Government, and to be on an equal footing with the native? They come to meet you; they offer you even all imaginable advantages; and do you wish, on your side, to do nothing to deserve these benefits? What is there out of the independent republic of South America which presents you such advantages? Certainly you will be very ungrateful, you will be unworthy of my confidence, if you do not exert all your zeal and your attention to come at it.

Assist me only by your docility, by your confidence, by your zeal, and I promise you that all will be well. I speak to you as a kind father of a family who loves his children; you are dear to me, as are the Americans; merit alone will distinguish you; and I shall know among you neither French, nor Germans, nor English, nor Poles, nor Danes, nor foreigners of any nation; you are in my eyes the children of the country, its defenders, and its citizens, as the natives are, who serve with you our common country. As to myself, personally, I am an American and a foreigner at the same time; for, born in Europe, and without the soil of this republic, as well as you, I am a naturalized American of long standing, as well by my services in the independence, as by my marriage with a young American lady. I will, therefore hold the just medium between you and the American. I only ask of you confidence, union, and prudence, and all will be well. It is only by following my counsels, by studying this instruction, which has no tendency but to render you happy, to cause you to be loved and esteemed by the natives, that you will be worthy of being my children, and of filling the places which you now occupy.

As all these places are only provisional, your good or your bad conduct will have the greatest influence on your advancement. He who will take no care of himself will be exposed to be superseded immediately; whilst all those who shall conduct themselves well, who shall be zealous, active, and judicious, will be sure of being preferred. Read, therefore, with much attention, the following articles, and conform yourselves to them; then you will find yourselves well, happy, loved, and esteemed.

Article. 1. The character of a native of this country.—This is good, tractable, and susceptible of receiving every impression, good or bad, according to the confidence which he shall have in his commander. His self-love is great; but, properly directed, it will render him susceptible of doing good and noble actions; ill-directed, it will only be productive of misfortune to him, and will drag you along with him. The love of liberty, of the independence of his country, the hatred which he naturally expresses for his oppressors, added to this self-love, will so elevate him, that he will fight with courage and with a greater degree of bravery, as he will have your example before his eyes.

Art. 2. Constantly and carefully avoid saying that you are French, English, Germans, &c. Tell them, on the contrary, that you are citizens of the country, zealous friends of independence, their brethren, their fellow-countrymen, and, when out of the service, their equals.

Art. 3. Above all, study with the greatest care the language of the country; employ all your leisure time in it; I will furnish you with all the ele-

nentary books gratis, as well as the necessary masers for attaining this language, as soon as possible.

Art. 4. Never affront any one whatever—your American superior, your American equal, or your nferior. Whoever shall address himself to you vith any complaint, no matter what, hear him :almly and with patience. If you do not under:tand him, send for an interpreter; but immedi:tely render him the strictest justice in the case of :omplaint: always say something obliging to him, :ven in refusing his demand. He will be at least atisfied of your good-will; he will communicate t to his comrades, and you will be greatly beoved.

Art. 5. Never be impatient in making your ecruits go through the exercise, when they are aturally awkward and ignorant in the principle. Show them with mildness and patience what and ow it ought to be done. Praise and encourage hose whom you may observe willing to do well. f you ever perceive yourselves the evidence of any f these young people showing a repugnance, or :ven an ill-will, to do what you shall order, do ot show them that you perceive it; do not huniliate him, but begin to excite his self-love; raise him at least a little for what he has executed ut very ordinarily; encourage him in making im repeat it; he will finally lose that unwillingness, and will follow and obey you.

Art. 6. Punish only grievous faults; and, as to mall ones, pardon them for the first time; exhortng them, however, with mildness, but with firmess, that they take good care of the second; that ou should be sorry, but forced to punish them. Then you ought to do it, but coolly, and in a legal manner. You will soon see the good effect of uch conduct upon all the spirits of those under ou.

Art. 7. Never break your word to them, nor nake a promise to them which you do not believe ou can keep; for if you break it once, they will o more believe you; you will have lost their coidence. Say, rather, if the demand should seem o you to be well founded, that you will do your itmost to obtain it for them; make actually for hem the necessary exertions; you will prove by hat to your subordinates that you are in earnest or their welfare. He will soon know it; he will e content and satisfied; even when you have it ot in your power to succeed, he will know your wish in it.

Art. 8. Take the greatest care of your troop; nter absolutely into the most minute details upon whatever concerns the comfort of your subordiates, and see that they want nothing. By that, ou will be entitled to their gratitude, and to the ower of commanding them.

Art. 9. Never mix with the soldiers when off uty, either in public places or any where else. Never drink with, nor descend to treat the soldier s your equal. Too much familiarity is as prejulicial as too much severity. It will sometimes appen that, in camps or in public feasts, some of our soldiers will offer you to drink to the republic or—no matter how; accept it; but immediately cause a bottle or more to be brought, tell them to drink your health, and go away.

Art. 10. When you are under arms at the head of your troop, either in the great manœuvres, or in the detail of exercises, say nothing to your soldiers but what is absolutely necessary; but when you come to go against the enemy, harangue them, and inspire them with courage, with ardor, and with confidence, by your good example. One single action, in which you shall have boldly exposed your person, will be sufficient to gain you their entire confidence. They will respect you and will cherish you; they will soon forget that you are a foreigner.

Art. 11. In conversation with any native, not even in speaking with your comrades, in presence of one of them, carefully avoid criticising their manners, their customs, their dress, &c. They will perhaps laugh with you; they will even frequently be the first to excite you; be always prudent and on your guard, for they will never forget your words; and the more elevated your rank, the more you are watched by them.

Art. 12. Abstain from gaming, and from debauchery of every kind; show, by your good conduct, that you are worthy of my confidence and of command. For gaming and debauchery will ruin your health and your purse; you will render yourself incapable of service, and you will become the butt of contempt.

Art. 13. Constantly endeavor to be brave, but just; even severe, when it shall be necessary; and six months of application and of practice in all that I have said to you will insure me your comfort and that of thousands of our compatriots. If any one of you have any doubts, any scruples, and will come and communicate them to me, I will, with pleasure, see all those who wish to be instructed, and I will endeavor to resolve them.

Appeal of the General-in-chief, Provisional President of the Republic of Boüqua, (island of Porto Rico,) to foreigners of all nations, with the exception of European Spaniards.

Headquarters at Mayaguez,
September, 1822.

The revolution in this island is accomplished; independence formally proclaimed; and a free Government, republican and wise, offers you employment, protection, security, and comfort.

We, in consequence, invite you to come and settle in our fine country, under a salubrious and benign climate, and we promise as follows:

Article 1. The right of citizen, that of voting, and that of aspiring to employments, civil and military, of the republic, without regard as to birth or religion, but purely to the morality and talents of the candidate.

Art. 2. To the military, the same right of citizen, punctual pay, and their wants fully provided. They may rely, according to their good conduct, upon certain and prompt advancement.

Art. 3. Those of the military and naval forces having had the misfortune to be wounded in the service of the republic shall be placed in the hotel

of invalids, and shall be attended to at the expense of Government.

ART. 4. Physicians, surgeons, and apothecaries of talent, will find employment in our army and in our hospitals.

ART. 5. Cultivators, planters, and those versed in agriculture, will present themselves before the commission of agriculture, who will, according to their means and merit, assign to their hands the means to purchase the most necessary utensils, and instruct them in the way to prosperity.

ART. 6. Manufacturers, desirous to come and establish, will find protection and employment. Those who may have useful establishments to propose will present their plan to the Council of State, and, if approved of, their enterprise will be facilitated and protected.

ART. 7. Merchants and traders are invited to establish here. There shall be no article prohibited; commerce will be protected; and the duties will be small.

ART. 8. Artists of every class, men of learning, and persons useful for public instruction, will find employment and protection.

ART. 9. Manufacturers of powder and tobacco, and curriers, armorers, carpenters, coopers, shoemakers, tailors, farriers, mechanics, workmen, and persons of whatsoever useful calling, will be employed and protected.

ART. 10. The present appeal excludes those who are prosecuted for crimes or infamous acts, stockjobbers, gamesters by profession, persons without calling or trade, those living by unknown means, all adventurers, sharpers, and intriguers of every description having no profession or employment. They will soon be discovered, arrested, and expelled forever from the soil of our republic.

All persons designated in the first nine articles: those first arrived will enjoy greater advantages over those who will arrive later.

We invite the friends of our cause, the journalists and merchants, reading the present appeal, to assist us in propagating the same, by having it inserted in their papers, in the language of their country.

The main object of this proclamation is, to endeavor to ameliorate the unhappy condition of thousands of foreigners, passing a miserable life, unmerited, and beneath their intellectual faculties.

They will endeavor to place each according to his merit, his conduct, his experience, and abilities, and will offer to all equality of rights, asylum, protection, and comfort.

The President General-in-chief:

LUIS V. DUCOUDRAY.

Secretary of State, *pro tem.*:

B. IRVINE.

The General-in-chief of the Republican army of Boüqua, (island of Porto Rico,) to the foreigners established in that island.

HEADQUARTERS AT ——.

SIR: Called by a considerable number of the inhabitants of your country, I come at the head of a corps armed to proclaim their liberty and independence.

The revolution is in your favor; by it, you will obtain the right of a citizen, and admission to civil and military situations, as the tenth article of the annexed proclamation proves.

The advantages to your families, and to so many thousands of our fellow-countrymen, are immense and incalculable. Come, then, without fear, to rally around me, to assist me in consolidating our work.

Those who shall prove their zeal and their devotion to our cause, and who shall present themselves first at our headquarters, shall enjoy the greatest advantages, which shall surpass even their expectations. I shall know, in a few days, those who shall not have presented themselves there. All those who know me know that my word is sacred, and that my views tend towards the happiness of a wise, solid, and flourishing republic.

I have the honor to salute you.

L. V. DUCOUDRAY.

P. S.—I request you immediately to communicate this letter to your friends and acquaintances, and to rally them around us.

To the Foreigners of the island of Porto Rico.

Form of reward of merit.

Attending to the merit of Don ——, his liberal principles, and known and promised adherence to the just cause of the independence and liberty of that part of America formerly Spanish, I give him this provisional and interim certificate, that, in the office or grade of ——, he may serve in the Republic of ——, until the sovereign Congress have confirmed his nomination. His pay, emoluments, &c., run on, agreeably to his office, to count from this day's date.

Given at ——, 1822. Signed by my hand, registered, and sealed with the seal of the Government.

By order of the General, the Intendant of the Government.

Copy of a bill.

GENERAL QUARTERS OF ——.

No. —.

Obligation of the sum of ——, pledged upon the national property of the republic of ——. In —— months from this date the treasurer of the republic will pay —— or his order the said sum of ——.

THE GENERAL-IN-CHIEF.

Registered by the Intendant.

Extract of a letter from Mr. Cortland L. Parker, American Consul at Curaçoa, to the Secretary of State, dated

CONSULATE OF THE UNITED STATES,
Curaçoa, October 18, 1822.*

"Annexed is my letter of the 27th ultimo; since which the crews and passengers of the American

* Received at the Department of State 8th November, same year.

and Netherlands brigs therein mentioned have been under examination; and, from what I have been able to learn, it appears that this expedition was to have been the forerunner of others against the West India islands of every Power in Europe; and some very strong expressions to that effect, in a letter from Mr. B. Irvine, have been the cause of his being placed in close confinement. The brig Mary is cleared, and I have succeeded in obtaining passports for thirteen young Americans, who have been shamefully deceived into an expedition which could bring on them nothing but disgrace and destruction."

R. W. Meade to the Secretary of State, dated

PHILADELPHIA, *December* 17, 1822.

SIR: Observing in the National Gazette of last evening a communication extracted from a paper called "The Statesman," purporting to be a correct statement of the late Porto Rico expedition, in which it is attempted to prove, (on mere assertion, however,) that the said expedition was undertaken and fitted out with the knowledge and co-operation of the late Don Manuel Torres, Chargé d'Affaires of the Colombian republic; and conceiving such a report to be a libel on the character of my late and much lamented friend, and on the Government he represented, I conceive it a duty I owe both to them and to myself, as the executor, friend, and only agent of that Government legally authorized to receive and open its correspondence, and of course encharged with its affairs *ad interim*, to declare the same totally unfounded, and, in fact, a fabrication for some sinister purpose. How far the authors of the expedition may have made use of Mr. Torres's name to seduce the deluded men who joined them, is what I am ignorant of; but can easily conceive that men who could undertake such a scheme would not hesitate at the use of any deception or means to accomplish their ends.

My knowledge of Mr. Torres's character is of long standing; my personal acquaintance with him dates since my return to this city in August, 1820; since when Mr. Torres had no secrets concealed from me. For many months previous to his death I saw him daily; and, when absent, which happened during his and my visit for a few weeks to Washington, we were in constant correspondence; and at his decease, Colonel Duane and myself were left encharged by him with all his public business; and since the departure of Colonel Duane from this country, I have remained solely encharged with the affairs and correspondence of that Government; and I do solemnly declare that there is not the smallest ground for believing that Mr. Torres was ever acquainted with the expedition, much less that he had ever given it his countenance. In the whole of his correspondence with his Government and its agents, actually in my possession, not one word or hint of the most remote kind is made of such scheme; and, in fact, to any man of common sense acquainted with the character, prudence, and delicacy of conduct of Mr. Torres, it must be apparent that he never could have countenanced such a perfectly mad scheme.

For many months prior to the declaration by this Government of the independence of the Spanish Americas, a set of adventurers existed in this country, holding their rendezvous in this city, Baltimore, and New York, watching their opportunity to undertake any adventure which could furnish them the means of living at the expense of their neighbors. Many of them were foreigners of desperate fortune, who, in their imaginations, fancied any project lawful which should put them in possession of the means of seizing on a portion of the Spanish colonies, under the pretence of establishing independent Governments, but, in fact, with no other view but that of enriching themselves. The declaration of the independence of these countries by this Government at once destroyed all their hopes and expectations, and nothing but some desperate measure was now left them. Many of them made application to Colonel Cortes for employment under the Mexican Government; and I recollect one anecdote which he mentioned to me, of two of the principal chiefs of the band in this city, which so strongly marks the character of the men as to be worthy of being mentioned. Some time after he had in the most positive terms informed them that they would not be employed in Mexico, a paragraph appeared in one of our papers containing some details of troubles and a probability of intestine commotion in Mexico; they waited on him again to tender their services, stating their having heard of these reports, and that they now thought their services might be required. The Colonel answered them that he neither knew of nor believed any such reports; that it might possibly be that there did exist a difference of opinion among some of the persons in Mexico as to the form of Government to be adopted, but that that was a question to be settled by themselves; at all events, they did not require strangers to settle the point for them. Colonel Cortes, however, added: But, gentlemen, since you have heard of these parties, pray to which do you wish to attach yourselves, or offer your services to? The answer was: Oh! to either of them; the strongest, of course, if we could ascertain it; our object is to get employ. I never spoke directly or indirectly with any one of the persons concerned in this expedition, except to two young men who, I lately learned, had gone with it, and who had applied to me to endeavor to get them employment in the Mexican service. Baptist Irvine, to whom I had been introduced at Washington, came to this city for the express purpose, as he informed me, of procuring Spanish authors on the Americas, in order to complete a work which he had announced as being about to publish on those countries. He waited on me on his arrival; and, believing his object a praiseworthy one, I permitted him the use of my library, from whence he took a number of valuable books. During his stay here, I saw him, I believe, thrice. He returned my books by a servant, with a note; and the first and only information I had of the des-

perate step he had adopted I received from his signature to the proclamation published in our papers. I have reason to believe that pecuniary distress alone drove him to the extremity of joining these adventurers.

About the period of Mr. Torres's death, which happened on the 14th June, I was informed by a gentleman of this city that a sum of money, said to be $18,000, had been remitted by sundry persons residing in Porto Rico to assist in revolutionizing that island; and I have reason to believe that with that money vessels were chartered as merchant vessels to take out these adventurers to some one of the neighboring islands, from whence other arrangements were, in all probability, intended to be made for fitting out the expedition. I have also heard that, long prior to the vessels sailing from the United States, disagreements had taken place among the persons engaged in the scheme, as to the respective offices or employments claimed by each in the island, already, in their fertile imaginations, in their possession; and that one or two, dissatisfied with their nominations, had actually proceeded to Boston, where Mr. Anduaga, the Spanish Minister, then was, and laid before him a circumstantial account of the expedition, and every thing and person connected with it. I, therefore, did not consider it my duty, either as executor of Mr. Torres, or as a citizen of the United States, to take any notice of the affair; nor should I at this moment trespass on your more important vocations, did I not think it necessary, in the absence of any other representative of the Colombian Republic in this country, to disavow any countenance having been directly or indirectly afforded to it by Mr. Torres. What promises may have been held out or made by any of the commanders of the private armed vessels of Colombia in this port, I am ignorant of, but have no reason to suppose that any of them had any hand in this business. I feel pretty confident that the only officer of the Colombian Government with whom I had been made personally acquainted, on account of the decease of Mr. Torres—Commodore Daniels—had no share in it, as his objects in the service of that country, at that period, were of a much more important nature.

I have the honor to remain, &c.

R. W. MEADE.

J. Q. Adams, *Sec'y of State.*

Treasury Department, *Dec.* 30, 1822.

Sir: The Secretary of the Treasury, to whom was referred the resolution of the House of Representatives of the 12th instant, requesting of the President such information as he may possess concerning a hostile expedition alleged to have been fitted out in the ports of the United States against the island of Porto Rico, has the honor to report: That the records and files of this department, at the time of the said reference, furnished no evidence that any such expedition had been fitted out in the said ports. Since that date, the collectors of the districts of Philadelphia and New York have been required to furnish any information in their possession relative to the said expedition. Copies of their answers to the requisition are herewith communicated; from which it appears that no ground of suspicion existed, at the time the vessels alleged to have composed a part of the expedition cleared out, that any violation of the laws was contemplated by the owners or commanders of those vessels.

I remain, with respect, &c.,

WM. H. CRAWFORD.

James Monroe, *President U. S.*

Collector's Office,
Port of Philadelphia, Dec. 23, 1822.

Sir: Immediately after the receipt of your letter of the 21st instant, the records of this office were examined for the purpose of ascertaining when the brig Mary Ann, Burns, master, and the schooner Selina, Sisters, master, cleared from this port. It appears that the brig Mary, (not Mary Ann,) Aaron Burns, master, cleared hence for Aux Cayes on the 5th day of August last, with a cargo consisting of navy bread, pilot bread, flour, beef, pork, rum, powder, drums, muskets, pistols, swords, cartridge-boxes, saddles, and lead bullets.

No evidence or information whatever was received at this office, either before the departure of the brig, or subsequent thereto, (except what is communicated in your letter,) of her being unlawfully equipped, or engaged in any enterprise prohibited by the laws of the United States.

It does not appear by the books of this office that the schooner Selina cleared from this port for a foreign port during the present year.

Very respectfully, I am, sir, &c.,

JON. STEELE.

Wm. H. Crawford,
Secretary of the Treasury.

Custom-House, New York,
Collector's Office, Dec. 24, 1822.

Sir: I have received your letter of the 21st instant, relative to the schooner Andrew Jackson, Sanderson, master, which vessel cleared from this office on the 10th day of August last for St. Bartholomew's and St. Thomas's. A copy of her outward manifest is herewith transmitted, by which it will be perceived that the cargo was not of a suspicious character. Neither has there any thing subsequently occurred, to my knowledge, to create suspicion in relation to this vessel. Should any information hereafter occur, I will immediately communicate it.

I have the honor to be, &c.,

JON. THOMPSON, *Collector.*

Hon. Wm. H. Crawford,
Secretary of the Treasury.

Memorial from Florida.

Report and manifest of the cargo laden at the port of New York on board the American schooner Andrew Jackson, Sanderson, master, bound for St. Bartholomew's and St. Thomas's.

Marks and numbers.	Packages and contents.	Value at the port of exportation.
H.	93 barrels beef	$476 63
	9 barrels beef	31 50
T.	10 hogsheads tobacco, 11,051 pounds	372 01
	225 barrels flour	1,350 00
	91 pigs lead, 100 cwt. 3 qrs. 0 lbs.	705 25
	82 boxes codfish	266 50
	34 kegs tobacco, 3,294 pounds	230 58
	30 barrels pork	273 75
	35 barrels navy bread	105 00
D. A., 107, 108, 109, 117, 125, 126, 132, 133, 141. A. C., 88, 89, 176, 177, 178, 203, 204, 205, 206, 207, 222, 249.	21 cases arms, 630.	
	17 cases saddlery	1,292 50
	54 boxes raisins	97 00
	15 half barrels flour	49 25
	60 kegs powder	255 00
	1 medicine chest	40 00
C. 117, 59.	10 cases assorted hardware	2,910 48
	5 cases muskets, 20 in each case.	550 00

SAMUEL SANDERSON.

MEMORIAL FROM FLORIDA.

[Communicated to the House, February 3, 1823.]

Message from the President of the United States, transmitting a memorial of the Legislative Council of Florida.

To the Speaker and House of Representatives:

Having lately received a memorial from the Legislative Council of the Territory of Florida, on subjects very interesting to the inhabitants of the Territory, and also to the United States, which require legislative provision, I transmit the same to Congress, and recommend it their consideration.

JAMES MONROE.

February 3, 1823.

To His Excellency James Monroe,
President of the United States:

Your memorialists, constituting the Legislative Council of the Territory of Florida, beg leave to submit to the President of the United States a statement of the prominent subjects of general interest to the inhabitants of this Territory, for which they have been appointed to legislate, and in the destinies of which they feel a deep public and individual interest.

The Legislative Council will approach the topics to which they would most respectfully solicit your attention, with that frankness and sincerity which citizens have the pride and satisfaction to assume, in addressing the Chief Magistrate of our grand confederacy, and through him the Congress of the United States. After a long and protracted negotiation, the United States acquired the Floridas, an acquisition which it was then supposed would form one of the brightest epochs in the history of the distinguished Administration that negotiated, and the Congress that sanctioned the treaty of cession, and enabled the ceded inhabitants, with the influx of population and wealth, to fulfil the high destiny to which the God of nature seemed to have assigned this highly favored country. Candor, however, obliges us to say, that the act of Congress for the organization of the government of this Territory, although calculated to remedy many of the defects of the provincial establishment from which it was lately emancipated, was nevertheless not so favorable as we had a right to expect, when we contemplate the value of the acquisition; the commercial and agricultural advantages of the country; its soils, bays, rivers, and harbors; its important resources and energies, when developed and called into action; and, above all, its exposed situation, possessing a seacoast of twelve hundred miles, constituting the natural boundary of the most important part of the Union, and liable to the incursions of any foreign invader, or lawless domestic enemy, whose cupidity and enterprising avarice might lead them to desolate our towns and plunder our sparse population. Your memorialists do not, in

the remotest degree, charge the neglect to want of that careful and provident attention to the interests of the native and adopted citizens of the United States which has always characterized the policy of those who are intrusted with the guardianship of our rights, but to a want of the requisite information in regard to the necessities and wants of our Territory, deprived as it has been of representation in Congress.

The first subject to which we would particularly invite your attention, and that of the Congress of the United States, is one of as much national concern as solicitude, in reference to the immediate prosperity of this Territory. It will be recollected, that the late Government of Spain over these provinces, considered East and West Florida as two distinct dependencies, from a connexion of which they could discover no immediate benefit to Spain, and consequently, the settlements were confined to the vicinity of St. Augustine and Pensacola—more particularly in West Florida, where the settlement of the country was circumscribed, by an apprehension of Indian hostility. The effect has been to prevent the establishment of a road from the capitals of the above provinces to each other, or to the interior; and as we are at present situated, the nearest practicable road from one to the other by land, is seven hundred and fifty miles, through Alabama and Georgia; and the water communication round the cape is as difficult as a trip to Liverpool or Bordeaux. A conclusion, however, unfavorable to the conjunction of the two provinces in a Territory or State, cannot be drawn from this fact, the distance not being more than three hundred and fifty or four hundred miles, through a healthy fine country, a large portion of which, your memorialists are induced to believe, for fertility, is not to be surpassed by any land in the southern country. A slight view of the geographical situation of the country, its local and political connexion with the United States, will demonstrate the policy and necessity of preserving the connexion of the Floridas, and also dictate the propriety of laying out a road from Pensacola to St. Augustine, from which our Government, in addition to the lasting improvement of her territory, for the labor and expense, will derive more than an equivalent from the sale of public lands, which will be much enhanced in value, by such an improvement. Your memorialists would direct some intelligent officers of the engineer corps to explore the country, and mark out a road from Pensacola to St. Augustine, and adopt such measures as to your Excellency may seem fit, to have the same opened, in conformity with their report. And also, that they be directed to select some suitable place, in the Mickasuky country, or on the Suwany river, or the adjacent country, for the permanent seat of government of Florida, and make report thereof to the Governor of this Territory, to be laid before the next Legislative Council. Whilst we are on the subject of establishment of public roads, so nearly connected with the growth, wealth, and prosperity of this Territory, we would also take the liberty to recommend to the General Government, the necessity and practicability of opening the road from St. Augustine into Georgia, known by the appellation of the King's Road, which was opened at great expense by the British Government, and could at this time be re-opened with very little labor, and will afford a communication to facilitate the intercourse between that part of the Territory and the Southern States. The establishment of this road was deemed an object of the utmost importance to the province of East Florida, by the British Government. Your memorialists are induced to believe, that the policy and necessity of such measure will be more strongly felt by the Government of the United States.

Your memorialists would beg leave, particularly, to direct the attention of the Congress of the United States to the necessity of erecting lighthouses at Pensacola and St. Augustine; and also to provide some law upon the subject of wrecking, at the peninsula of Florida, which is now in the hands of foreigners; and subject to the absolute control of the colonies of Great Britain and Spain, and is frequently made the pretext for piracy and smuggling.

Another subject to which the Legislative Council will call the attention of Congress, is the organization of the judiciary in this Territory. By reference to the act of Congress, it will be found that two district courts are established, one in East and the other in West Florida. Those courts are vested with jurisdiction in civil and criminal cases, without an appeal from their decisions to any other tribunal, only when they entertain jurisdiction in their federal capacity. It follows, therefore, that the act of Congress has vested in one judge power over the lives, liberties, and property of the citizens of this Territory, without providing for an appeal or writ of error, to correct a judgment rendered by misconception of the law, partiality, or judicial impetuosity. Whatever confidence we may repose in the virtues of our judges or the upright integrity of the American bench, your memorialists conceive that it is a novel and dangerous power, inconsistent with the policy of our Government, and contrary to the usual course in relation to all the other Territories; in all of which, if they are not mistaken, three judges have been appointed, who were required to hold courts in different parts of the Territories, and once or twice a year hold a court of errors and appeals, in all cases arising under the Territorial laws. The judges are incompetent to form such a connective tribunal; to supply the deficiencies in the judiciary system, as regulated by the act of Congress, the Legislative Council considered it incumbent upon them to establish inferior courts as a temporary expedient, making it the duty of the judges of the inferior courts to hold pleas in the several counties, with an appeal from their decision to the district court of the United States. We believe this course to be indispensable to the convenience of large settlements remote from St. Augustine and Pensacola; a contrary policy would have subjected them to great inconvenience, and, in many instances, would have been tantamount to a denial of justice. We considered it necessary to prevent

crime by its speedy punishment, to restrain the refractory, to protect the weak from the oppression of the strong; and thus to insure virtue and humanity among our citizens, and accomplish the great end of society—the happiness of the people. The salaries of the judges of the inferior courts amount to two thousand four hundred dollars; and, as we are in the first grade of Territorial government, we have reason to expect that Congress will make an appropriation of that sum; and also provide for the appointment of another judge, to reside at the seat of government, which will do away the necessity of a longer continuance of the inferior courts.

There is another topic, of considerable interest and magnitude to this Territory and the United States, upon which your memorialists would respectfully express their opinions on the present occasion. In consequence of the great extent of seacoast, by which Florida is bounded, and the consequent exposure to which she is subjected, the speedy settlement of the country will readily present itself to your Excellency, as an object of the most important consideration. In order to give that strength and security to Territories thus peculiarly situated, emigration should be invited to them by every advisable means within the control of the General Government. To accomplish this desirable purpose, it may be considered of the first moment that the claims to land, of every description, should be promptly ascertained and adjusted. Upon this subject, your memorialists would, with all the respect and confidence due to the constituted authorities of the Union, recommend that the powers of the commissioners should be enlarged, relative to claims upon which they are authorized to pronounce a final decision. Your memorialists would also suggest the propriety of referring the larger grants to the investigation and determination of the judicial tribunals. Were the existence of this power thus vested in our courts, and transferred from the national councils, it is confidently believed that much expense would be avoided, as well as more ample and speedy justice administered to all the parties concerned. The members of the judiciary residing in the Territory, and having obtained an acquaintance with the laws and ordinances of the government from which the claims emanated, they must necessarily be much better qualified to pronounce an opinion than any tribunal differently constituted. From the decision of the courts here, an appeal might be given to the Supreme Court, and thus the validity of titles decided by the Constitutional arbiter—the judiciary—which would eminently contribute to secure the rights of the United States and the claimants.

Until these difficulties are obviated, it cannot be expected that emigration should be successfully directed to the Territory of Florida. Large tracts of land are in some places covered by private claims. Before the proprietors can make any permanent disposition of them to settlers, by which a dense and efficient population can be obtained, it is indispensably necessary that they should be free from all encumbrance and litigation. This end can be most speedily, cheaply, and certainly accomplished, by the judicial tribunals of our country. Next to bringing the public lands into market at an early period, your memorialists consider the prompt and final decisions of land claims, as an object of the highest consideration; upon it, not only depends the growth and prosperity of this Territory, but the effectuation of those valuable purposes for which the United States obtained their cession by the late treaty with Spain.

In conclusion, your memorialists would beg leave to represent to your Excellency the superior advantages of the harbor of Pensacola over any other on the Gulf of Mexico south of New Orleans, and suggest the policy of selecting it as a naval depot, by the Government of the United States. Although engineers have been appointed to make a survey of the harbor, who are amply competent to form a correct estimate of its importance; yet it is to be hoped that the suggestions of your memorialists may not be considered obtrusive, but received with complacency as the offspring of a lively interest in the welfare of this Territory, and of the United States. From a survey that has been made of the harbor of Pensacola, under the orders of the General Government, it is understood, by your memorialists, that, at the lowest water, vessels drawing not more than twenty-one and a half feet water may cross the bar, and enter the harbor with perfect safety. The medium depth of water between the highest and lowest tide, may be confidently estimated at two additional feet, making in the aggregate twenty-three and a half feet. It is believed that, from the best advice which has been obtained upon the subject, that this depth of water on the bar is sufficient for the entry of vessels of any description, save those of the largest class; the locality of the bay is likewise such as to secure every facility to the entrance and departure of vessels. The opposite extremes of its oblong form extend in a northeasterly and southwesterly direction, which happily corresponds with the general range of winds, so as to subject vessels to very little delay in their arrival or departure. After vessels have entered the bay, they have every assurance of the most perfect security, even in the most violent gales; it is completely land-locked by the main land and the island of St. Rosa; it is uncommonly capacious, and its bottom, affording a stiff tenacious clay, constituting a safe and excellent anchorage. From St. Carlos de Barancas to the opposite point on St. Rosa's island, is computed to be about three-fourths of a mile; with suitable fortifications at those two opposite positions, it is confidently believed, by military gentlemen of science who have visited them and expressed an opinion, that no vessel could pass into the bay without receiving a fatal injury; the guns of both fortifications could be brought to bear upon it, with so much certainty and effect as to insure its destruction. Every examination which has been made of these commanding stations, has resulted in the decided opinion, that it can be much more easily defended than any other on the Gulf, if not on the whole of the Atlantic coast.

A faithful topography of Pensacola, and the adjacent country, will demonstrate that it may be very efficiently protected from the inroads of the enemy by land. In the rear of the town, at the distance of about half a mile, the highlands are presented, upon which military works may be constructed to advantage, so as completely to command the whole space intervening between them and the bay; a single fortification, strongly and judiciously built, would successfully bear upon the entrance into the town, in every direction. There is, probably, no other station on the southern coast, which could be defended by land with so small a number of troops, or at less expense.

Independently of the facility with which Pensacola may be defended, if reliance is exclusively reposed on regular troops, there are other prominent considerations, which powerfully recommend it to the attention of the General Government. This results from its immediate connexion with New Orleans, and its contiguity with most of the States on the Mississippi river. In cases of emergency and invasion, should it become necessary to call the aid of the militia for the protection of this place, they can be readily obtained from Louisiana, Mississippi, Kentucky, Tennessee, and Alabama; owing to an advantage from a water communication, they may be conveyed to Pensacola in a short time, and, comparatively, with small expense to the General Government. Your memorialists are induced to believe, that half of the expenditures of the late war were included in the item of transportation; much would be saved, on this score, were Pensacola selected as a naval station, not only in the transportation of soldiery, but also in provisions, and the munitions of war. This desirable object would be more completely accomplished, should ever a communication be opened between the bay of Pensacola and the Mississippi and Mobile rivers. Another prominent advantage in favor of Pensacola, which gives it elevated claims on the patronage of the Government, is, that it is distinguished for the salubrity of its atmosphere and mildness of climate; it is a situation where her troops may always calculate on enjoying good health, and where it is represented that breadstuffs and other provisions, continue almost as long in a perfect state of preservation as in most of the Northern ports of the United States.

In addition to this, your memorialists will take the present occasion to remark, that a military force stationed at Pensacola would, in time of war, give efficient aid in the defence of New Orleans, as well as additional security to Louisiana, Mississippi, and Alabama, by presenting a formidable barrier, by which inroads through West Florida would be checked and prevented. This assistance could not, with any certainty, be obtained from Tampa Bay; and no other position, it is believed, can be selected, south of Pensacola, which promises the other important advantages we have described; in consequence of its remaining at a great distance from a dense population, and the difficulties of transportation, it cannot be so conveniently connected with the adjoining States, and must rely for defence almost entirely upon regular troops, a much larger number of which will be necessarily required.

The occupation of Pensacola, with the necessary fortifications, is calculated to afford a more complete command over the commerce of the Gulf of Mexico, than any other position which could be selected on the Southern coast; with this peculiar advantage, the United States would exclude the shipping of an enemy, probably, from the only port in Florida in which they could anchor with safety, owing to the violence of the West Indian gales. Your memorialists are of the opinion, that there is no other harbor, save that of Havana, in which they could ride with security during a storm. But the benefits arising from the selection of Pensacola as a naval station, are not entirely of a negative character; we should not only be enabled to exclude the hostile armaments of foreign nations, but our own vessels could be protected from capture and disaster. The harbor of Pensacola will always be a place of secure retreat—a station from which expeditions may be fitted out without interruption, and from which the West India commerce of an enemy might receive the most successful annoyance. Were New Orleans assailed, Pensacola would be competent to afford co-operation for its defence, both by land and water, which could not fail to excite in the enemy the most fearful apprehensions; by our vigorous and well directed efforts her commerce would be cut off, her detachments captured, and, in the end, her surrender and retreat accomplished. The security of this place, then, is believed by your memorialists to be inseparably connected with the prosperity and defence of New Orleans, and the contiguous States. We, therefore, pray the attention of your Excellency to the subjects upon which we have taken the liberty to remark; and be assured, that those who give a different account of our Territory, are ignorant of its resources, or wantonly misrepresent it.

Resolved, by the Legislative Council of the Territory of Florida, That the Governor of this Territory be requested to forward a copy of the foregoing memorial to the President of the United States; and that another copy be delivered to the Delegate who may be elected to represent this Territory in Congress, to be laid before the Congress of the United States at their next session.

EDMUND LAW,
President of the Legislative Council.

Teste: ROBERT MITCHELL,
Clerk of the Legislative Council.

THE REVENUE LAWS.

[Communicated to the House, December 23, 1822.

To the honorable the Senate and the honorable the House of Representatives.

The memorial of the merchants and others, interested in the commerce of Boston, in the county of Suffolk, and State of Massachusetts, respectfully sheweth:

That your memorialists are all either practically ngaged in the foreign and coasting trade of this ountry, or otherwise highly interested in its com- nercial resources and revenues; that they have ll either personally felt or witnessed the great vils and inconveniences resulting, both to Gov- rnment and to individuals, from the oppressive peration of certain parts of the present system of he collection of the revenue laws of the United States. Your memorialists are well convinced nat these injurious effects are such as could not ave been contemplated or foreseen by the wise egislators, who have given them a code so admi- ably adapted, in a general view, to secure the ights of individuals, and the prosperity of the ation. They, therefore, feel it incumbent upon hem, as citizens, able to estimate, and worthy to njoy, the manifold blessings of a free Govern- ment, wisely administered, to lay before their rep- esentatives, in Congress assembled, a brief out- ne of these partial evils, for which their accus- omed wisdom and discretion will, doubtless, find speedy and appropriate remedy.

That they may not fatigue your honorable body ith a minute enumeration of the inconveniences defects which have been perceived in the present ate of the laws relating to trade, which would plige them to go somewhat at length into the de- ils of the custom-house, your memorialists beg ave to present a classification of the supposed bjects of reform, and to give, under each head, concise illustration of the causes of complaint.

The topics to which they would call the atten- on of this honorable body are:

1. The unnecessary multiplication of oaths in e proceedings of the custom-house.

2. The requiring of bonds in cases where no dditional security is thereby afforded to the Uni- d States.

3. The exacting a compliance with certain rmalities in impossible cases, and punishing the on-compliance as a projected fraud upon the venues.

4. The delays, losses, and vexations, occasioned the unnecessary detention of goods in the pub- warehouses of the United States.

5. The oppressive operation of the existing ap- aisement system.

Upon the first of these topics, your memorialists ould only remark, that the solemnity of an oath greatly diminished, and the danger of perjury oportionally enhanced by the frequency of repe- ion upon trivial occasions. Every oath unne- ssarily administered is so much detracted from e security which the United States derive from at sanction, and contributes so much to the de- uction of that good faith, which is the strong nd of civil society. For these reasons an oath ght never to be exacted, in the opinion of your emorialists, where it is not relied upon as the st evidence of the fact, which it is intended to tablish. Among other instances in which this not the case, your memorialists would mention, a striking illustration, the provisions of the venth section of the act of April 20, 1818, sup- ementary to an act, entitled "An act to regulate the collection of duties on imports and tonnage," passed March 2, 1799, by which, it is enacted, that where imported goods, subject to ad valorem duties, are unshipped, and transported coastwise in the original packages, a copy of the invoice, verified by the oath of the importer, and certified by the collector, shall be produced at the final port of arrival, and then, that the same inspection shall take place as of a first importation. In this case, the original invoice must already have been authenticated by the oath of the party, by the provisions of the fifth section of the same act, and other acts yet continuing in force. The oath, therefore, required at the custom-house on such reshipment for coastwise transportation, is merely to support the fact, that the invoice there produced is a true copy of the original invoice, which fact is also to be certified by the collector, who, for that purpose, always requires the original in- voice to be produced, that he may personally com- pare it with the copy. It is manifest, therefore, that the required oath is merely nugatory—the certificate of the collector being ample evidence of the fact. Besides all which, the goods having already undergone one inspection, are to undergo, at the port of arrival, another inspection, which is to be conducted as if there had been neither oath nor certificate in the case, or in other words, as if the goods were then, for the first time, im- ported into the United States. Upon this section it may farther be remarked, that the utmost facility is afforded to evasions by slight alterations in the form of package, since its provisions are applica- ble only to the case of reshipment of goods packed as imported, and it is only necessary to take a single piece of goods from a box to evade the re- quisition.

Under the second head, it would little become your memorialists to urge the hardship and op- pression of exacting bonds where no additional security is afforded thereby to the United States; and they will only mention, as an exemplification of the fact, the bonds required on re-exportation of goods, by the 32d section of the above men- tioned act of March 2, 1799, and the 2d section of an act supplementary thereto, passed February 22, 1805, conditioned to produce, within a limited term, certain certificates, that such goods were landed without the limits of the United States; or that they should not be landed within such limits, unless on due entry and payment, or secu- rity of the duties accruing thereon. Now, the other numerous provisions of the law are, as your memorialists conceive, perfectly sufficient to se- cure the United States against the landing of said goods, without due entry, within her jurisdiction; and they cannot be so entered unless the duties are first paid or secured. There can be no necessi- ty, therefore, for any certificate, that such goods were landed without the United States, and, con- sequently, none for the bond requiring such cer- tificate, or the payment of duties, which cannot but be paid whether such bond be given or not.

With regard to the exacting a compliance with formalities, in impossible cases, and punishing the non-compliance as a fraud, your memorialists will

not affront this honorable body by arguing that such an operation of their laws could not have been intended by the wise framers thereof; but proceed to an exposition of facts, on which this part of the complaint is founded. The eighth section of the act of April 20, 1818, above mentioned, provides, that the invoice of goods imported by persons residing, and, at the time of such importation, being out of the United States, shall not only be verified in the manner required by the fifth section of said act, before the United States consul in the port or country of shipment, but shall likewise be authenticated by the certificate of said consul, or other magistrate there, duly qualified to administer oaths, that the owner or owners did, before him, make oath that he or they are not concerned in the manufacture of the goods so shipped; and the thirteenth section provides, that the want of such verification shall subject the owner to the penalties provided by the eleventh section in the case of fraudulent invoices. This oath, it will be perceived, is required to be made by the owner himself, and at the port or country of shipment; consequently, in all cases where the owner does not reside in the port or country whence a shipment, by his order, is made, a compliance with the law is either physically impossible, or so difficult and expensive as to render it practically unattainable; and yet, by non-compliance, he brings himself within the penalties of the act. Now, it not unfrequently happens, that persons associated together in trade, with the view of securing to themselves earlier and better information, and conducting their business in a manner more profitable to themselves, and of course more advantageous to their country, than they otherwise could do, agree that one of their number shall reside in Europe, vibrating from Italy to Ireland, for instance; and ordering shipments to the United States on account of his house in Boston, from Leghorn, when he himself is in Dublin; and from Bordeaux, when he is in London; as the exigencies of the times, and opportunity of markets, may require. It is impossible for this foreign resident to authenticate the invoices of such shipments, in the manner required, without passing over such distances of land and sea, as, from the necessary delay and expense of these movements, would completely frustrate the design of his importation; and yet, if any one of several joint owners be resident abroad, the custom-house officers insist that the penalty of the act has accrued. Cases yet stronger have come to the knowledge of your memorialists, where orders, for example, were given by American citizens residing in China, to their correspondents in different parts of Europe, to purchase and ship to them merchandise to a large amount, on account of themselves and their partners residing within the United States; but, for want of a direct opportunity, the merchandise is brought to the United States in transitu merely, and to be thence re-exported to China. The consignees, who are also part owners, finding a favorable home market for the merchandise, wish to dispose of the whole, or a part, in their own country, (by which they would enrich the revenue, and augment the commercial resources of the nation, as well as consult their own private benefit) instead of forwarding them according to their original destination; but they are denied permission to enter such goods for sale, unless the forfeiture of the eleventh and thirteenth sections of the act is secured to be paid. This they consider tantamount to a prohibition; and thus, in the particular case which your memorialists have in their mind, upwards of eighteen thousand dollars of duties have been lost to the Government, (besides the loss and inconvenience to the owner and the country at large,) because a merchant in Canton did not, at the time he was in Canton, make oath in London and Amsterdam, that he is not a manufacturer. Many other instances might be enumerated of the unjust operation of this law, where goods have been imported in American vessels, and are in part owned by American citizens residing within the United States, because other owners, residing neither within the United States, nor in the country whence the shipment is made, have not made attestations in places where they have never been; notwithstanding the partners here are able to furnish the fullest evidence of the fact, that no one of the owners abroad is a manufacturer. Your memorialists will only add, that the provisions of this section are an absolute prohibition of the introduction of all foreign capital into the country, (greatly as it tends to the increase of the revenues and manifest advantage of the nation) in all cases, except only where the foreign merchant is also himself the shipper. Another illustration under this head is afforded by the fifth section of the same act, providing that the owner, in addition to the other verifications required by law, shall make oath that the invoice by him produced exhibits the true value of the goods at the place whence imported.

But it often happens that goods bought at a favorable moment, by a judicious agent, do actually cost less than the current market value at the time of shipment. In this case, the importer must, by the operation of the first section, produce the original invoice, exhibiting the actual cost; and must, by the operation of the fifth section, swear that this invoice exhibits the true value. But when, perceiving the fact to be otherwise, he declines taking such oath, he brings himself within the mischief of fraudulent invoices, according to the eleventh section, if the appraisers shall find the said goods to have been invoiced more than twenty-five per cent. below their true value. He is thus not only subjected to the payment of excessive duty, but stands without all power of defence, under the imputation of attempting a fraud upon the revenues; and he so stands because he could not, conscientiously, take an oath which he knew to be false. This is a case, therefore, somewhat stronger than those before noticed under the first head; since the oath required in this case is not merely unnecessary, but plainly repugnant; and the direct operation of the law is to hold out a reward to perjury in cases where detection would frequently be difficult, and sometimes impossible. And in this connexion it should be remarked, that

the very same difficulty occurs in cases where the true value, at the time of shipment, was less than the actual cost. The necessary effect of the provision is, that a judicious merchant, who, at a great expense of time and money, has established an agency abroad, which enables him, at certain seasons, and under circumstances which his experience has taught him to foresee and provide for, to purchase at favorable prices, loses all the advantages which he has thus lawfully acquired, and is placed in a far worse situation than if he had not taken these very measures, on the successful conduct of which his prosperity mainly depends.

The delays and vexations occasioned by the provisions concerning the detention of goods in the public warehouses, is strongly illustrated by the case contemplated in the first section of the very same act, where the original invoice is, by any accident, missing. The act then authorizes detention of the goods imported, at the expense and risk of the owner, until such invoice be produced; while the second section provides that the Secretary of the Treasury may, at his discretion, authorize the collector to enter such goods, after appraisement thereof, on bond being given for such invoice within a certain time, and the payment of all duties which shall be found due thereon. Your memorialists are most happy to state, that the evils naturally attending this and similar provisions, have been greatly alleviated by the manner in which the Secretary of the Treasury has exercised the discretion thus reposed in him by the law. But still much delay, and consequent loss, is unavoidable, from the very necessity of bringing the case before the Secretary at Washington, and waiting for the return of his decision thereon, protracted, as it must sometimes be, from the pressure of public business. It not unfrequently happens that the articles themselves are of a perishable nature, and require an immediate sale; yet, before one can possibly be effected, under this law, they must either wholly be lost, or become greatly deteriorated in value. And, after all, when leave of entry has been at length obtained, a bond is required, which, if required in the first instance, would have afforded perfect security to the United States, and avoided all delay and difficulty in the case. Besides, by way of hypothesis at least, it may be considered how it would be if the Secretary of the Treasury should, from any motive, refuse permission to enter such goods, notwithstanding the failure to produce the invoice were, clearly, not the effect of fraudulent design, (which, under the present Administration, indeed, never was, and we are confident never will occur.) It is manifest that the fair merchant would, thereby, be exposed to such enormous losses and embarrassments in his operations, as might terminate in irretrievable ruin.

The oppressive operation of the appraisement system will easily be perceived, by adverting to the several provisions above-mentioned, taken in connexion with the 11th, 12th, 13th, 14th, 15th, and 16th sections of the said act. These sections provide, substantially, that, whenever the collector shall suspect goods, subject to ad vaorlem duty, to be invoiced below the true value, he shall order an appraisement, and if the appraised value exceed by 25 per cent. the invoice price, then the duties are to be laid on the aggregate sum, found by adding 50 per cent. besides the ordinary 10 or 20 per cent, to the appraised value; but if the appraised value shall exceed the invoice price by less than 25 per cent., then the duties shall be estimated on such appraised value, with the addition of 10 or 20 per cent. only; and where it falls short of the invoice price, the duties are still to be estimated according to the invoice. The want of the certificate required by the 8th section, subjects the importation to a similar appraisement and similar penalties, as in the case of fraudulent invoices. One-half the penalty exacted in all cases is divided among the custom-house officers, and the expenses of appraisement are, in all cases, to be borne by the owner, except when the invoice exceeds the appraised value. This whole system your memorialists cannot but consider injurious and oppressive in the extreme, since it subjects the most fair and honorable merchant to all the delay, expense, and vexation, and in some cases, as already intimated, to the very penalties provided for the fraudulent. A mere suspicion, on the part of the collector, that the invoice (although he may have no doubt that it accords with the actual cost, and that no fraud is intended) does not exhibit the true value, imperatively requires of him to cause an appraisement. This suspicion must necessarily be excited, and of course the appraisement must necessarily take place in every case where the invoice price is, in fact, either below or above the current market value, from the refusal of the importer to take the oath that such invoice does exhibit that which it never was intended to exhibit, namely, the ordinary rates of cost, instead of the cost in the particular instance. In the same way the appraisement must necessarily take place whenever any one owner resides without the United States, and the invoice is not authenticated by the certificate required in the 8th section, although it were impossible for him, from any one of many reasons, to furnish such authentication. When the appraisement takes place, it is necessarily productive of great delay and considerable expense, always falling upon the party who, without fault, has been put, by mere operation of law, and the integrity of his own conscience, in this embarrassing situation. The appraisers are bound, by their oaths, to find a fact which is often extremely difficult for them to arrive at with any tolerable accuracy, namely, the true value of goods, not as they have them before their eyes at the time and place of appraisement, but that value which they had in a foreign country and at a distant time, namely, the amount of shipment. Now, a very slight error in judgment in the estimate of their officers, brings the importer most unjustly within the penalty of the statute, and holds him up to the world as a defrauder of the revenues, and to add to the aggravation of his doom he stands in this light, without hope of redress; since it has been very recently decided by the circuit court of the United States,

sitting in this district, that the judgment of the appraisers on the matter before them is final and conclusive. The arbitrary discretion thus vested in subordinate officers of the revenue, is, in the opinion of your memorialists, of a most alarming tendency; erecting a petty tyranny over the property and good fame of men, which is wholly adverse to the general spirit of our laws and institutions, and which may be productive of most serious consequences to some of the dearest rights of native Americans.

Your memorialists are indeed proud of the opportunity to bear public testimony, in the most unequivocal terms, to the uniformly, upright, and honorable deportment of the collector of this district, and the good conduct of the inferior officers of the customs in general. It is to this fortunate circumstance, rather than the construction of the laws in relation to this subject, that your memorialists feel themselves bound to attribute much of their exemption from the oppression to which they might be otherwise subjected. This testimony is the more honorable to these men, because of the great inducements which the facility of the laws holds out to a profitable collusion between the Government appraisers and the other officers of this department; a species of collusion which it would be almost impossible to punish, because almost impossible to establish by legal proof. It is the collector, let it be remembered, whose suspicion authorizes an appraisement. It is the subordinate officers whose information may afford at least a plausible pretext for suspicions. It is the regular appraisers on the part of the Government, who, being two out of three, of course, govern the appraisement. It is in the power of the appraisers on the part of the Government to affix their own value to every article, which has thus been brought before them. It is a power unlimited, and they are a tribunal without appeal! Finally, that motive may not be wanting to the abuse of this despotic sway, it is among the officers of the customs that one half of every penalty, accruing under the statute, is distributed by law; and surely it would not be very surprising, (should those offices be filled by men of a different stamp from those who now fill them,) if some portion of this bounty for corruption should find its way into the pockets of the appraisers themselves.

Your memorialists have already extended their illustration beyond their proposed limits; they will not trespass farther on the indulgence of this honorable body, but conclude by expressing their earnest desire, that such measures may be taken for the amendment of the revenue laws in the above mentioned and other obvious particulars, as the supreme councils of the nation shall in their wisdom direct. As in duty bound will ever pray.

T. H. PERKINS, *and* 200 *others.*

REPORT OF THE COMMISSIONERS OF THE SINKING FUND.

[Communicated to Congress, February 6, 1823.]

WASHINGTON, *February* 6, 1823.

The Commissioners of the Sinking Fund respectfully report to Congress:

That the measures which have been authorized by the Board, subsequent to the last report, of the 7th February, 1822, as far as the same have been completed, are fully detailed in the report of the Secretary of the Treasury to this Board, dated the 6th day of the present month, and in the statements therein referred to, which are herewith transmitted, and prayed to be received as a part of this report.

DANIEL D. TOMPKINS,
Vice President of the United States.
JOHN MARSHALL,
Chief Justice of the United States.
JOHN QUINCY ADAMS,
Secretary of State.
WILLIAM H. CRAWFORD,
Secretary of the Treasury.

The Secretary of the Treasury respectfully reports to the Commissioners of the Sinking Fund:

That the balance of moneys advanced on account of the public debt, remaining unexpended at the close of the year 1820, and applicable to payments falling due after that year—which balance, as appears by the statement B, annexed to the last annual report, amounted to - - - - - - - - - -	$1,880 89
With the sums disbursed from the Treasury during the year 1821, on account of the principal and interest of the public debt amounting, as per the last annual report, to	8,367,093 62
And making together the sum of - - - - - - - -	$8,368,974 51

State of the Sinking Fund.

Have been accounted for in the following manner, viz:

There was applied, during the year 1821, towards the payment of the principal and interest of the public debt, as ascertained by accounts rendered to this Department, as per the annexed statement A, the sum of	$8,403,563 49

Viz:

In the reimbursement of the principal of the deferred stock	$533,808 47
In the payment of certain parts of the domestic debt	54 45
In the redemption of the Louisiana stock	2,071,360 00
In the redemption of Treasury notes	1,774 38
In the redemption of Mississippi stock	634,022 53
On account of the interest and charges	5,163,543 66
Making together the sum of	$8,403,563 49
Of this sum there was short provided, consisting of unclaimed dividends on the public debt, not applied for by the proprietors, as per the annexed statement B, the sum of	34,588 98
Leaving (as above) the sum of	$8,368,974 51

That during the year 1822, the following disbursements were made by the Treasury, on account of the principal and interest of the public debt, viz:

On account of the interest of the domestic debt, and reimbursement of the principal of the deferred stock	$5,739,760 62
On account of the redemption of Louisiana stock	5,294 12
On account of the redemption of Mississippi stock	23,388 94
On account of the redemption of Treasury notes	277 00
In payment of certain parts of the domestic debt	438 99
In payment of certain parts of the six per cent. stock of 1796	80,000 00
In payment of certain parts of the six per cent. stock of 1820	2,000,000 00
Making together, as appears by the annexed statement C, the sum of	$7,849,159 67

Which disbursements were made from the appropriation of ten millions of dollars for the year 1822, and will be accounted for in the next annual report, in conformity to accounts which shall then have been rendered to this Department. In the mean time, the manner in which the said sum has been applied is estimated as follows:

To the payment of the deficiency at the end of 1821, as per statement B	$34,588 98
In the reimbursement of the deferred stock	566,588 75
In the payment of Treasury notes	277 00
In the payment of Louisiana stock	5,294 12
In the payment of Mississippi stock	23,388 94
In the payment of certain parts of the domestic debt	438 99
In the payment of the six per cent. stock of 1796	80,000 00
In the payment of the six per cent. stock of 1820	2,000,000 00
Making together the sum of	$2,710,507 78
And in the payment of interest on the funded debt for 1822, estimated at	$5,154,268 26
Deduct this sum short provided, per estimate E	15,685 37
	5,138,582 89
Making together (as above) the sum of	$7,849,159 67

A statement (F) is annexed, which exhibits the balance of the annual appropriation of $10,000,000, unexpended on the 1st of January, 1823; and a statement (marked G) of the funded debt on the 1st of January, 1823.—All which is respectfully submitted.

WILLIAM H. CRAWFORD, *Secretary of the Treasury.*

State of the Sinking Fund.

F.—*Statement of the appropriation of ten millions of dollars by the second section of the "Act to provide for the redemption of the Public Debt," passed 3d March, 1817.*

Application, per statement G. which accompanied the report of the Commissioners of the Sinking Fund, of the 7th February, 1822, viz:		
In 1817	$10,000,000 00	
Do. in anticipation of the appropriation for 1818	2,830,108 52	
		* 12,830,108 52
In 1818		7,169,891 48
1819		7,703,821 87
1820		8,628,514 28
1821		8,367,093 62
Application in 1822, per the accompanying report		7,849,159 67
Balance applicable to payments after the 31st December, 1822		7,451,410 56
		$60,000,000 00

Appropriation for 1817	$10,000,000 00
Do. 1818	10,000,000 00
Do. 1819	10,000,000 00
Do. 1820	10,000,000 00
Do. 1821	10,000,000 00
Do. 1822	10,000,000 00
	$60,000,000 00

TREASURY DEPARTMENT, REGISTER'S OFFICE, *February* 3, 1823.

JOSEPH NOURSE, *Register.*

G.—*Statement of the Funded Debt of the United States, on the 1st January, 1823, with its redemption for 1821 and 1822.*

Reimbursement of the deferred stock, in 1821	$533,808 47
Reimbursement of the 6 per cent. stock, of 1796, in 1822	80,000 00
Reimbursement of the 6 per cent. stock of 1820, in 1822	2,000,000 00
Amount of the funded debt 1st January, 1823, subject to a reduction on account of the reimbursement of the deferred stock, in 1822	*a* 91,343,999 69
	$93,957,808 16

Amount of the funded debt on the 1st January, 1822, per statement H, which accompanied report of February, 1822	$93,957,665 14
Add 3 per cent. stock issued in 1822	143 02
	$93,957,808 16

Amount of the debt on the 1st January, 1823, as above stated, brought down	91,343,999 69
Deduct estimated amount of deferred stock, reimbursed in 1822	566,568 09
Amount per statement (3) which accompanied the Secretary's report of 23d December, 1822	$90,777,431 60

a Consisting of deferred stock with reimbursement for 1822	$1,526,077 06	
Three per cent.	13,296,099 06	
Exchanged 6 per cent. of 1812	2,668,974 99	
		$17,491,151 11

* In addition to this amount, there was applied in 1817, the sum of $9,000,000, appropriated by the 3d section of the act above recited, and accounted for in the report of the Commissioners of the Sinking Fund, of the 7th February, 1818.

Outstanding Custom-House Bonds, &c.

Six per cent. of 1812		6,187,006 84	
Six per cent. of 1813	$16,000,000	15,497,818 63	
Do.	7,500,000	6,812,845 44	
Six per cent. of 1814		13,001,437 63	
Six per cent. of 1815		9,490,099 10	
Seven per cent.		8,606,355 27	
Treasury notes six per cent.		1,465,285 47	
Five per cent. subscription to the Bank of the United States		7,000,000 00	
Five per cent. of 1820		999,999 00	
Five per cent. of 1821		4,735,296 30	
Exchanged five per cent. 1822		56,704 77	
			73,852,848 58
			$91,343,999 69

TREASURY DEPARTMENT, REGISTER'S OFFICE, *February* 3, 1823.

JOSEPH NOURSE, *Register.*

OUTSTANDING BONDS, &c.

[Communicated to the House, February 8, 1823.]

Letter from the Secretary of the Treasury, transmitting (pursuant to a resolution of the House of Representatives, of 9th January last,) a statement of outstanding custom-house bonds of the 1st October, 1822: a statement of bonds taken for duties on merchandise, and debentures issued for drawback, from 1st January, 1821, to 30th September, 1822: a statement of the net amount of revenue on merchandise, tonnage, &c.; of payments into the Treasury, and expenses of collection of the same, on 31st December of the years 1816, '17, '18, '19, '20, and 1821; and a statement of the whole amount of the unexpended balance of the Sinking Fund, distinguishing each year since 1817.

TREASURY DEPARTMENT,
February 5, 1823.

SIR: In obedience to a resolution of the House of Representatives, of the 9th ultimo, directing the Secretary of the Treasury to report to the House "a statement of the custom-house bonds outstanding on the 1st day of December, 1822, and falling due within the year 1823, with the amount of debentures chargeable upon the same, and the probable expense of collection:"

Also, "a statement of the amount of bonds outstanding on the 1st January, 1821, and at the commencement of each quarter during the year, with the debentures chargeable upon the same, at the respective periods."

Also, "the amount of revenue from customs, which will probably accrue in the year 1823, and the portion thereof which will probably be received in the course of that year, stating the average amount which has been received on the customs accrued within each year since 1816, inclusive."

Also, "a statement of the whole amount of the unexpended balances of the Sinking Fund, distinguishing each year since 1817; and on what principle he distinguishes the balances that will accrue against that fund in 1823 and 1824, from those of preceding years, by which he proposes, in his annual report of 22d December, 1822, to charge the estimated unexpended balance of 1823 and 1824, upon the revenue of 1825;" I have the honor to submit the statements, required by the resolution, as far as it has been practicable to form them, from the records and files of the Department.

The statement showing the amount of bonds outstanding upon the 1st of December, 1822, is defective: First, the monthly schedules of the bonds, for the months of October and November, have not been received from some of the collectors: Second, because the monthly schedules, almost always, in the principal districts, contain bonds for duties which accrued several months before; and, third, because the duties upon merchandise deposited in the public stores are secured by duty bonds only when they are removed from them; and it is only then that they appear in the monthly schedules. When the deposite is made, a bond is given without sureties, the merchandise being the substitute for them.

From these facts, it is apparent that the amount of duties which accrued during the several quarters of each successive year, as exhibited in the quarterly accounts of the collectors, rendered to the Comptroller for settlement, always considerably exceeds the amount exhibited in the monthly schedules of bonds rendered to the Secretary of the Treasury.

It may be proper to observe that, to ascertain the amount of duties which accrued during the year 1822, that will be payable in 1823, the bonds taken in the month of December, and those in the months of October and November, which have not yet been reported to the Department, and those which may be hereafter liquidated for duties which accrued in the year 1822, and which will be payable in 1823, must be added to the amount represented in statement No. 1, as becoming due in the present year. When these sums shall be ascertained, and added to that amount, it is presumed that it will be increased to at least $19,000,000.

In order that statement No. 1 may be correctly understood, it is necessary to state, that the amount of bonds outstanding on the 1st of October, has been ascertained from the quarterly accounts of the collectors rendered to the Comptroller for settlement, and, consequently, contains the amount of duties on merchandise deposited in the public stores. The rest of the statement is formed from the schedules of bonds rendered to the Secretary of the Treasury. The difference between the amount of bonds estimated to be outstanding on the 1st December, 1822, and the amount estimated to become due in 1823, is accounted for as follows:

1. Bonds payable in December, 1822, amounting to - - - - - - - -	$2,239,055
2. Bonds in suit the 1st December, 1822, amounting to - - -	2,818,427
3. Bonds falling due in 1823, amounting to - - - - - - -	17,426,257
4. The amount of bonds falling due in 1824, estimated at - -	226,409
5. The amount of duties which have accrued upon merchandise deposited in the public stores, estimated at - - - - - -	1,319,048
Which several sums make the aggregate amount, as stated in No. 1, of - - - - - - -	$24,129,196

Of the last item, it is probable, that a considerable proportion will be payable during the year 1823, but it is impracticable to offer any other than a conjectural estimate of that proportion.

The quarterly accounts rendered by the collectors to the Comptroller, for settlement, present in detail the amount of duties secured during the quarter for which they are rendered. They distinguish between bonds which are not due, and those which are in suit; but, as they are entered in the statement in the order in which they were liquidated, they do not show the amount which will become due within twelve months from the expiration of any given year, nor within any subdivision of that period. They, however, present the dates of the bonds, and the dates at which they become due. By a detailed dissection of these quarterly accounts, it might now be ascertained what proportion of the duty bonds which were outstanding on the 31st day of December, 1820, were payable within the year 1821, and, consequently, what proportion of the duties which accrued in 1821, were paid within that year. After the dissection was completed, from the amount thus ascertained, should be deducted, 1st. The amount of bonds thus becoming due, which were not paid within the year: and 2d. The amount received from bonds in suit previously to the year 1821. The difference between the amount thus obtained, and the total receipts from duties, during the year, will be the sum received from duties which accrued within the year; and if to this difference should be added the amount of bonds taken for duties which accrued within the year, which, becoming due within the year, were not paid, the whole amount of duties which accrued within the year 1821, that were payable within that year, will be ascertained. The same result may be obtained for the year 1822, as soon as the amount of the receipts during the year are ascertained. But when it is known that the average number of duty bonds annually liquidated is estimated at more than fifty thousand, the reason why no attempt has been made, since the organization of the Government, to obtain the results required by the resolution, will be readily perceived. The benefit which would result from the possession of the information to be thus acquired, has, it is presumed, been considered by my predecessors in office, not sufficient to justify the labor and expense which would be necessary to obtain it.

If I have satisfactorily shown, that this information can be acquired only for the years that are past, it will readily be perceived that it is wholly impracticable to show the amount of the duties which are yet to accrue in 1823, that will be payable within that year. The most that can be offered in obedience to that part of the resolution, is a conjectural estimate of the amount. When there are no sudden or violent fluctuations in the amount of importations, and of re-exportations for benefit of drawback, it is considered safe to estimate the receipts of the year ensuing the date of each annual report, equal to the amount of duty bonds outstanding and payable within the year. Such an estimate is founded upon the presumption, that the receipts within the year from duties accruing within the same period, will be equal to the amount of debentures and expenses of collection chargeable upon the revenue of the year. If the importations should fall considerably short of those of the preceding year, or if the amount of debenture, issued and chargeable upon the receipts of the year, should be considerably increased, the receipts would necessarily be less than the amount estimated. But, if the reverse of this state of things should occur, the receipts would necessarily exceed the amount estimated. Such has been the case during the last year; the receipts have consequently considerably exceeded the estimates for that year. From the data in the possession of the Department at the date of the last annual report, the receipts from the customs, during the year 1823, were estimated. The facts since disclosed, tend to confirm the correctness of that estimate.

Statement No 4 exhibits the annual surplusses of the Sinking Fund from the year 1817 to the year 1822, inclusive, and the estimated surplusses of the years 1823 and 1824.

In reply to so much of the resolution as requires me to state upon what principle the balances that will accrue in the years 1823 and 1824, are distinguished in the annual report of the 22d of December, 1822, from those of preceding years, I have the honor to submit the following facts and observations. By reference to the several acts of Congress, passed from the 4th of August, 1790, to the 3d of March, 1795, inclusive, providing for the redemption of the public debt, and creating the Sinking Fund, it will be seen that no specific sum

was appropriated to that object. The act of the 8th of May, 1792, and that of the 3d of March, 1795, after making reservations of the public revenue for the discharge of the current expenses, appropriate the proceeds of the duties upon imports and tonnage, and of other duties and taxes, of the sales of public lands, of the bank dividends, of the debts due the United States, before the present organization of the Government, and lastly of all the "surplusses of the revenues of the United States, which shall remain at the end of any calendar year, beyond the amount of the appropriations charged upon the said revenues, and which, during the session of Congress next thereafter, shall not be otherwise specially appropriated or reserved by law." These two acts, and the act of the 4th of August, 1790, form, together, what has generally been denominated the Funding System. In these acts, provision was made for converting the public debt into a funded debt; and the funds set apart by them for the payment of the interest, and redemption of the principal, of the public debt, in its new form, were declared to be vested in the Commissioners of the Sinking Fund, in trust, to be applied to the redemption of the said debt, including such loans as might be obtained by virtue of the said acts, until the same should be fully reimbursed; and the faith of the United States was thereby "pledged that the moneys, or funds aforesaid, shall inevitably remain, and be appropriated and vested as aforesaid, to be applied in the said reimbursement and redemption in manner aforesaid, until the same shall be fully and completely effected."

The pledge, thus solemnly given, acquired additional force from the circumstance of its being offered as an inducement to the public creditors to accept of the terms presented in those acts, which changed the nature and conditions of the then existing debt. The sixteenth section of the same act, of the 3d of March, 1795, creates the surplus fund, and exempts from its operation all the funds appropriated to the Sinking Fund. This exclusion was the necessary consequence of the sacred character given by that very act to the funds constituting the Sinking Fund. This mode of reasoning, and of viewing the subject, was adhered to until the change of the Administration of the Union in March, 1801. At the commencement of that Administration, several laws were in force which imposed taxes, the proceeds of which formed a part of the Sinking Fund, that were considered onerous, and consequently produced dissatisfaction in the nation. If the pledges made of their proceeds to the Sinking Fund placed them beyond the control of the legislative authority, it was clearly perceived that the most odious system of taxation might be perpetuated against the decided will of the nation. The question was maturely examined, and the result of that examination was presented to the nation in the provisions of the act of the 29th of April, 1802. The first section of this act appropriated so much of the duties on merchandise and tonnage, as, together with the moneys other than surplusses of revenue, which then constituted the Sinking Fund, or should accrue to it by provisions previously made, as would amount to the annual sum of $7,300,000, and which was declared to be vested in the Commissioners of the Sinking Fund, and that it should continue to be appropriated and applied by them, until the principal of the public debt should be reimbursed and redeemed; with a proviso, that, "after the whole of the said debt, the old six per cent. stock, the deferred stock, the 1796 six per cent. stock, and the three per cent. stock, excepted, shall have been reimbursed or redeemed, any balance of the sums annually appropriated by this act, which may remain unexpended at the end of six calendar months, next succeeding the end of the calendar year to which such annual appropriation refers, shall be carried to the surplus fund, and cease to be vested, by the authority of this act, in the Commissioners of the Sinking Fund." By the provision here recited, the appropriation to the Sinking Fund was, in a few years after its date, subjected to the operation of the principle of the 16th section of the act of the 3d of March, 1795, which created the surplus fund. The only difference between this and other appropriations, in relation to the surplus fund, was, that it was subject to be carried to the account of it eighteen months sooner than other appropriations. The exception of the Sinking Fund, in the said section, from the operation of the principle established by it, was rendered a nullity, and virtually repealed. The act of the 29th of April, 1802, remained in full force until the 3d of March, 1817, when an act was passed, the first section of which repealed "so much of any act or acts of Congress as make appropriations for the purchase or reimbursement of the principal, or for the payment of the interest, of the funded debt of the United States." It has been already stated, that the first section of the act of the 29th of April appropriated $7,300,000, and that a proviso to the said section directed, after certain parts of the funded debt shall have been redeemed, any balance of that appropriation that might remain six months after the end of the year to which it shall refer, to be carried to the amount of the surplus fund. The act of the 3d of March, 1817, either repeals this proviso, or it does not. If it does not repeal it, the balance of the appropriation of ten millions, for the year 1824, which may remain unexpended on the 31st of December, of that year, will be the only sum demandable by the Commissioners of the Sinking Fund in 1825, beyond the appropriation of $10,000,000 for that year. If it does repeal the proviso, the question then recurs, what disposition do the existing laws make of the surplusses of that appropriation, since the 3d of March, 1817. It has been inferred, in the annual report to which the resolution refers, that they are subject to be carried to the account of the surplus fund, at the end of two calendar years from the expiration of the year to which such appropriations may severally refer. This inference is founded, 1st, upon the fact that the exception in the section creating the Sinking Fund, having been rendered null, and virtually repealed by the act of the 29th of April, 1802, is not revived by the repeal of the proviso

to the first section of the act. It is admitted, that, when an act is passed simply to repeal another, it has been contended by jurists, that an act simply repealing the latter act, is a virtual re-enactment of the provisions of the first act; but to apply this rule to an act incidentally repeating some provision of another act with which its general enactments are but slightly, if at all, connected, cannot, it is believed, be seriously supported.

If, however, any doubt should exist upon this question, the consideration that the circumstances which led to the exclusion of the appropriations to the Sinking Fund from the operation of the principle upon which the surplus fund was established, were entirely changed by the act of the 29th of April, 1802, is entitled to great weight. Since that act, the reason of the exclusion has ceased to exist, and the maxim of law, "cessante ratione, ipsa cessat lex," applies with full force. To consider the repeal of the proviso of the first section of that act as virtually reviving the exception contained in the sixteenth section of the act of the 3d of March, 1795, would be in direct opposition to the principle of that law maxim.

The question, however, will be submitted to the Commissioners of the Sinking Fund, for their decision, whenever it shall occur, unless legislative provision shall, in the interim, be interposed.

I have the honor to be, &c.

WM. H. CRAWFORD.

Hon. P. P. Barbour,
Speaker of the House of Representatives.

Treasury Department,
Register's Office, Feb. 4, 1823.

Sir: I have the honor to transmit the following statements, formed in pursuance of a resolution of the House of Representatives of the United States, of the 9th of January, 1823:

1. A statement of outstanding custom-house bonds for duties on merchandise, on the 1st of October, 1822, amounting to - - $24,054,599
Of which, it is estimated, there will fall due and be payable in the year 1823 - - - - - - 17,351,660

2. A statement of the balances of outstanding bonds, taken for duties on merchandise, and debentures issued for drawback on merchandise exported, commencing on January 1st, 1821, and ending on the 20th September, 1822.

3. A statement, exhibiting the net amount of revenue which accrued from duties on merchandise, tonnage, &c.; of payments made into the Treasury, and expenses of collection of the same, on the 31st December of the years 1816, '17, '18, '19, '20, and '21.

4. A statement of the whole amount of the unexpended balance of the Sinking Fund, distinguishing each year since 1817.

I am, with great respect, yours, &c.,

JOS. NOURSE, *Register.*

Hon. Wm. H. Crawford,
Secretary of the Treasury.

No. 1.

Bonds for duties on merchandise, outstanding 1st October, 1822, as per quarterly accounts current of collectors, (*a*) - - -		$23,911,732 00
Schedules received of bonds taken for duties in the months of October and November, 1822, (*b*)	3,648,913 00	
		$27,560,645 00
Returns received of bonds paid in October and November, 1822, (*c*)	3,431,449 00	
Estimated amount outstanding 1st December, 1822 - - -		$24,129,196 00
Of which amount, payable in the year 1823, (*d*) - - -		$17,426,257 00
Amount of bonds estimated to be outstanding, 1st December, 1822		$24,129,196 00
Bonds payable in December, 1822 -	$2,339,055 00	
Bonds in suit, first December, 1822 -	2,818,427 00	
Bonds payable in the year 1823 - -	17,426,257 00	
Bonds payable in the year 1824 - -	226,409 00	
		22,810,148 00
Difference - -		$1,319,048 00

This difference consists, in part, of the bonds given, without sureties, on a deposite of goods being improperly included, in some of the ports in the quarter yearly returns of bonds taken and discharged; which deposite bonds, it will be seen are included in the item of $23,911,732, which item has, therefore, been proportionably increased beyond what it ought to be; but the precise amount cannot be well ascertained, the bond accounts not being sufficiently explicit.

To account for the whole of the difference in a satisfactory manner, is rendered impracticable from the deficiencies in the returns already alluded to. It may also be observed that the correctness of the monthly returns made cannot be relied on as they are not used in any settlements, but merely serve as a kind of estimates.

(*a*) It may be proper to observe, in respect to this item, that, in some of the large ports, it includes bonds given without sureties, for duties on goods deposited in the public stores, for which duties, bonds, with sureties, are given when the goods are removed, but the latter bonds only appear in the monthly schedules rendered to the office of the Secretary of the Treasury.

(*b*) The returns being incomplete, the actual amount of bonds taken in the months of October and November, 1822, cannot be ascertained.

(*c*) The same remark applies as well to this item as to item (*d*.)

No. 2.

A Statement, exhibiting the net amount of revenue which accrued from duties on merchandise, tonnage, &c., of payments made into the Treasury, and of expenses of collection of the same, during the years ending on the 31st of December, 1816, 1817, 1818, 1819, 1820, *and* 1821.

Years.	Net revenue.	Payments made into the Treasury.	Expenses of collection.
1816	$24,484,100 36	$36,306,874 88	$816,373 50
1817	17,524,775 15	26,283,348 49	744,810 66
1818	21,828,451 48	17,176,385 00	746,422 15
1819	17,116,702 96	20,283,608 76	782,925 40
1820	12,449,556 15	15,005,612 15	767,222 00
1821	15,898,434 42	13,004,447 15	693,167 13

TREASURY DEPARTMENT, *Register's Office, Feb.* 4, 1823.

JOSEPH NOURSE, *Register.*

No. 3.

A Statement, exhibiting the balances outstanding of bonds taken for duties on merchandise imported, and debentures issued for drawback on merchandise exported, commencing on the 1st of January, 1821, *and ending on the 30th of September*, 1822*; prepared in obedience to a resolution of the House of Representatives of the 9th of January*, 1823.

PERIOD.	Balances outstanding.	
	Bonds.	Debentures.
On 1st January, 1821	$17,116,100	$1,772,365
On 31st March, 1821	15,974,669	1,396,137
On 30th June, 1821	17,046,019	1,474,555
On 30th September, 1821	18,171,541	1,257,921
On 31st December, 1821	18,983,864	1,047,013
On 31st March, 1822	18,285,954	1,014,014
On 30th June, 1822	21,904,178	1,272,297
On 30th September	23,911,732	1,486,693

TREASURY DEPARTMENT, *Register's Office, Feb.* 4, 1823.

JOSEPH NOURSE, *Register.*

Amount of debentures outstanding on the 1st day of December, 1822	$2,055,036 49
Amount payable in 1823	1,394,086 80
Amount of bonds in suit, December 1, 1822	2,818,427 23

No. 4.

Statement of the appropriation of ten millions of dollars by the second section of the act to provide for the redemption of the public debt, passed 3d March, 1817.

Payments, in 1817, of the principal and interest of the public debt		$12,830,108 52
Balance, being so much applied in 1817, in anticipation of appropriation for 1818	$2,830,108 52	
Payments, in 1818, of principal and interest	7,169,891 48	
		$10,000,000 00

Outstanding Custom-House Bonds, &c.

Payments, in 1819, of principal and interest		$7,703,821 8
Balance of appropriation for 1819, unexpended		2,296,178 1
		$10,000,000 0
Payments, in 1820, of principal and interest		$8,628,514 2
Balance of appropriation for 1820, unexpended		1,371,485 7
		$10,000,000 0
Payments, in 1821, of principal and interest		$8,367,093 6
Balance of appropriation for 1821, unexpended		1,632,906 3
		$10,000,000 0
Estimate of application in 1822		7,849,159 6
Do. balance of appropriation unapplied		2,150,840 3
		$10,000,000 0
Estimate of application for 1823		$5,602,000 0
Do. balance of appropriation which will be unapplied		4,398,000 0
		$10,000,000 0
Estimate of application for 1824		$5,314,000 0
Do. balance of appropriation which will be unapplied		4,686,000 0
		$10,000,000 0
Balances of appropriation at the end of each year, brought down, viz: 1819	$2,296,178 13	
1820	1,371,485 72	
1821	1,632,906 38	
1822	2,150,840 33*	
		$7,451,410 5
1823	$4,398,000 00	
1824	4,686,000 00	
		9,084,000 0
Total estimated balance which will remain unapplied on the 1st January, 1825		$16,535,410 0
Appropriation for 1817		$10,000,000 0
Balance, being in anticipation in 1817, of appropriation for 1818		2,830,108 5
		$12,830,108 5
Appropriation for 1818		$10,000,000 0
Appropriation for 1819		$10,000,000 0
Appropriation for 1820		$10,000,000 0
Appropriation for 1821		$10,000,000 0
Appropriation for 1822		$10,000,000 0
Appropriation for 1823		$10,000,000 0
Appropriation for 1824		$10,000,000 0

TREASURY DEPARTMENT, REGISTER'S OFFICE, *January 31st*, 1823.

JOSEPH NOURSE, *Register.*

* This sum will be exhibited in statement F, of the report of the Commissioners of the Sinking Fund, of the ensuing week.—See *ante*, page 1291, 1292.

MEMORIAL OF MASTERS OF AMERICAN VESSELS.

[Communicated to the House, Feb. 19, 1823.]

o the honorable the Senate and House of Representatives of the United States in Congress assembled.

The petition of the undersigned masters of merican vessels, lying in the port of Charleston, outh Carolina, showeth:

That the mariners employed on board of their ssels are such persons as the laws of the United tates require—native and naturalized American amen; that many of these are free colored perns, native citizens of the United States; that, n the 21st day of December, 1822, the Legislare of South Carolina passed an act, which not ly deprives us of the services of our colored ariners, but subjects our vessels to a considerae expense and detention; and they have prode, by the said act, that if any vessel shall come to any port or harbor of this State, from any her State or foreign port, having on board any ee negroes, or persons of color, as cooks, stewds, or mariners, or any other employment on ard said vessels, such free negroes and persons color shall be liable to be seized and confined prison, until the vessel they were attached to all clear out and depart from the State; and, hen said vessel is ready to sail, the captain or aster of said vessel shall be bound to carry away e said free negro, or person of color, and pay e expenses of his detention; and, in case of his glect or refusal so to do, he shall be liable to be dicted, and on conviction thereof shall be fined a sum not less than one thousand dollars, and be imprisoned not less than two months; and ch free negroes and persons of color shall be emed and taken as absolute slaves, and sold, in nformity to the provisions of the act passed on e twentieth day of December, 1820. That, since e passage of the act of 1822, several vessels, unr the command of many of your petitioners, ve arrived in the port of Charleston, all of hich had on board, as cooks, stewards, or mariers, free persons of color, native citizens of the nited States; that, upon the arrival of the said ssels in Charleston, they were visited by the eriff of Charleston district, or his deputies, and l free persons of color, native citizens of the nited States, were seized, (without a writ or any ime alleged,) and forcibly taken out of the vesl and lodged in the jail of the State; that thereon, one of your petitioners, Captain Jared Bunce, the Georgia packet, a regular trader between hiladelphia and Charleston, did appeal to a court the State of South Carolina for a habeas corus, to inquire into the cause of the arrest and dention of Andrew Fletcher (steward) and David yres, (cook,) both free colored persons, and nave citizens of the United States; that the said rit being allowed by the said court, and the eriff having returned that they had been arrestd and imprisoned under the beforementioned act 1822, and a motion having been made for their scharge, on the ground that the said act was contrary to the Constitution of the United States, and the court having determined that the said act was not unconstitutional, the case in question was removed, by appeal, to the highest tribunal of the State, where, after argument, the said court being divided in opinion, the case was suspended, and the prisoners were deprived of the relief for which they moved, and do still remain in confinement.

The undersigned petitioners have therefore been induced to submit their grievances before the General Government, to relieve them from the effects of an act which they believe is in violation of the Constitution of the United States, and of the authority of the Federal Head.

That the act in question does destroy the liberty of freemen, and regulates commerce by interfering with the freedom of navigation, and the employment of seamen, must be apparent, when it is seen that the object of it is to expel from all vessels entering the ports of South Carolina all free persons of color.

Your petitioners pray that the Government of the United States will interpose in their behalf, and will adopt such energetic measures as will relieve them from the situation they are laboring under, by exposing their free colored mariners to an unlawful imprisonment, and their vessels to an enormous and unnecessary expense and detention.

CHARLESTON, S. C., *Feb.* 7, 1823.

Jared Bunce,	James Church,
William Brown,	Reuben Cousins,
Nathan Cook,	William Cole,
Stephen Perry,	Thomas H. Robins,
Geo. I. Prince,	Joel Johns,
C. Petham,	Beriah Waite,
Joseph Porter,	Phineas Drinkwater.
Charles Votee,	Samuel York,
Daniel L. Kurtz,	Joseph Crawford,
John Smith,	C. E. Hammett,
John Allen,	W. W. Bentham,
James W. Low,	Thomas Bridges,
James Newell,	Thomas Baker,
John Taggart,	Wm. Farnsworth,
Cyril Martin,	James Aney, jr.,
Joseph Strout, jr.,	Francis Davis,
John Burrill,	Joseph Bowditch,
Nathaniel Foster,	Ozias Budington,
Wm. Morrill,	Timothy Wightman,
Ezra Drew,	Elisha Beckwith.
Richard Girdler,	

An Act for the better regulation and government of free negroes and persons of color, and for other purposes.

Be it enacted by the honorable the Senate and House of Representatives now met and sitting in General Assembly, and by the authority of the same, That, from and after the passing of this act, no free negro, or person of color, who shall leave this State, shall be suffered to return; and every person who shall offend herein, shall be liable to the penalties of the act, passed on the twentieth day of December, in the year one thousand eight hundred and twenty, entitled "An act to restrain

the emancipation of slaves, and to prevent free persons of color from entering into the State, and for other purposes."

And be it further enacted by the authority aforesaid, That every free male negro, or person of color, between the age of fifteen and fifty years, within this State, who may not be a native of said State, or shall not have resided therein five years next preceding the passing of this act, shall pay a tax of fifty dollars per annum; and, in case said tax shall not be paid, the said free male person of color shall be subject to the penalties of the act against free persons of color coming into this State, passed on the twentieth day of December, one thousand eight hundred and twenty.

And be it further enacted by the authority aforesaid, That, if any vessel shall come into any port or harbor of this State, from any other State or foreign port, having on board any free negroes, or persons of color, as cooks, stewards, mariners, or in any other employment on board said vessels, such free negroes or persons of color shall be liable to be seized and confined in jail until said vessel shall clear out and depart from this State: and that, when said vessel is ready to sail, the captain of said vessel shall be bound to carry away the said free negro, or person of color, and pay the expenses of his detention; and in case of his neglect or refusal so to do, he shall be liable to be indicted, and, on conviction thereof, shall be fined in a sum not less than one thousand dollars, and imprisoned not less than two months; and such free negroes, or persons of color, shall be deemed and taken as absolute slaves, and sold in conformity to the provisions of the act passed on the twentieth day of December, one thousand eight hundred and twenty, aforesaid.

And be it further enacted by the authority aforesaid, That the sheriff of Charleston district, and each and every other sheriff of this State, shall be empowered and specially enjoined to carry the provisions of this act into effect, each of which shall be entitled to one moiety of the proceeds of the sale of all the free negroes and persons of color that may happen to be sold under the provisions of the foregoing clause: *Provided*, The prosecution be had at his information.

And be it further enacted by the authority aforesaid, That it shall be the duty of the harbor master of the port of Charleston district to report to the sheriff of Charleston the arrival of all free negroes, or free persons of color, who may arrive on board any vessel coming into the harbor of Charleston from any other State or foreign port.

And be it further enacted by the authority aforesaid, That, from and after the passing of this act, it shall be altogether unlawful for any person or persons to hire of any male slave or slaves his or their time; and in case any male slave or slaves be so permitted by their owner or owners, to hire out their own time, labor, or service, the said slave or slaves shall be liable to seizure and forfeiture, in the same manner as has been heretofore enacted, in the act in the case of slaves coming in this State, contrary to the provisions of the same.

And be it further enacted by the authority aforesaid, That, from and after the first day of June next, every free male negro, mulatto, or mustizo, in this State, above the age of fifteen years, shall be compelled to have a guardian, who shall be a respectable freeholder of the district in which said free negro, mulatto, or mustizo, shall reside, and it shall be the duty of the said guardian to go before the clerk of the court of the said district, and before him signify his acceptance of the trust in writing; and at the same time he shall give to the clerk aforesaid his certificate, that the said negro, mulatto, or mustizo, for whom he is guardian, is of good character and correct habits, which acceptance and certificate shall be recorded in the said office by the clerk, who shall receive for the same fifty cents; and if any free male negro, mulatto, or mustizo, shall be unable to conform to the requisition of this act, then, and in that case, such person or persons shall be dealt with as this act directs for persons of color coming into this State contrary to law; and the amount of sales shall be divided—one half to the informer, and the other half for the use of the State.

And be it further enacted by the authority aforesaid, That, if any person or persons shall counsel, aid, or hire, any slave or slaves, free negroes, or persons of color, to raise a rebellion or insurrection within this State, whether any rebellion or insurrection do actually take place or not, every such person or persons, on conviction thereof, shall be adjudged felons, and suffer death without the benefit of clergy.

And be it further enacted by the authority aforesaid, That the Commissioners of the Cross Roads for Charleston Neck be, and they are hereby declared to be, Justices of the Peace, ex-officio, in that part of the parish of St. Philip's without the corporate limits of Charleston, for all purposes, except for the trial of causes, small and mean.

In the Senate House, on the twenty-first day of December, in the year of our Lord one thousand eight hundred and twenty-two, and in the forty-seventh year of the Independence of the United States of America.

JACOB B. PON,
President of the Senate.
PATRICK NOBLE,
Speaker of the House of Representatives.

An Act to establish a competent force to act as a municipal guard, for the protection of Charleston and its vicinity.

Be it enacted by the honorable the Senate and House of Representatives now met and sitting in General Assembly, and by the authority of the same, That it shall and may be lawful for the board hereinafter named to engage a number, not exceeding one hundred and fifty men, to be embodied as a municipal guard, whose duty it shall be to guard and protect the district between the lines, and to the Cross Roads, when necessary, on Charleston Neck and the southern extremity of the city, between Ashley and Cooper rivers, by patrols and sentinels, at

l times, by day and night, as the necessity may quire, and shall furnish any number of men hich the police of Charleston, or the magistrates Charleston Neck, may require, for the preserva- on of peace and the public security, in the same anner as the city guard of Charleston are used to ; and shall carry into effect the laws of the State d the city ordinances for the government of ne- oes and free persons of color; but the members said corps shall have no military power over the hite inhabitants of the State.

And be it further enacted by the authority afore- id, That the land and buildings now used as the bacco inspection, be, and the same are hereby, vested in the board hereinafter constituted, and eir successors forever, for the purpose of being tified as an arsenal and guard-house, for the use the municipal guard herein constituted: *Pro- ded*, That the same shall revert to the State, if ed for any other purposes.

And be it further enacted by the authority afore- id, That the land on which the lines on Charles- n Neck are located, shall be, and the same is reby, invested in the board herein constituted, d their successors in office, who shall sell the ne in the most advantageous manner, and apply e proceeds to the erection of the suitable build- gs, on the site of the tobacco inspection, for an enal, for the deposite of the arms of the State, d a guard-house, and for the use of the said mu- ipal guard.

And be it further enacted by the authority aforesaid, hat the municipal guard, aforesaid, may be en- ed for any term not exceeding five years, and ill be governed by the rules and articles of the ited States Army, except that no punishment all extend to life or limb; and if, in the opinion the Attorney General, it shall be necessary, the ent of Congress shall be requested to the pro- ions of this act.

And be it further enacted by the authority aforesaid, at, for the purpose of defraying the expenses of d guard, a tax of ten dollars shall be, and the ne is hereby, imposed, on all houses within the its so guarded, inhabited by negroes or persons color, as tenants; also, a tax of ten dollars upon free male negroes, or persons of color, who ex- ise any mechanical trade within the above lim- ; who shall receive a license, which shall en- e until the first day of January next succeeding date, from the tax collector of St. Philip's and Michael's, and shall then pay said tax. And y such person, who shall exercise his trade with- complying with this law, shall forfeit one hun- d dollars—half to the informer, and the rest to support of said guard; to be recovered in any rt of competent jurisdiction, by action of debt; o, a tax, not exceeding twenty-five per cent. n the general tax, upon all property within the its aforesaid, to be assessed by the board herein stituted: all which taxes shall be collected by tax collector of St. Philip's and St. Michael's, the same manner as other taxes, and shall be d to the board herein constituted, for the pur- e of defraying the expenses of said guard. And persons liable to any of the above taxes, shall, when he makes his return, swear that the same contains a full and true account of all property held in his own right, or otherwise subject to the above taxes; and the assessor shall make diligent inquiry of all houses liable to said tax.

And be it further enacted by the authority aforesaid, That the Brigadier General of the 4th brigade, and the officers thereof, the Intendant and Wardens of the city of Charleston, and the Commissioners of Cross Roads on Charleston Neck, shall constitute a board, for the purpose of carrying this act into full effect; appointing and displacing the officers of the guard, and generally, performing all acts necessary and proper to effectuate the intention of this act; and make and establish all rules and orders relative to said guard, not inconsistent with the laws of the land.

And be it further enacted by the authority aforesaid, That when, in the opinion of the said board, the said guard is sufficiently organized to secure Charleston and the Neck, the present city guard shall be abolished; and the inhabitants within said district shall not be liable to patrol duty: but any military force necessary shall be ordered on duty by the proper officers of the militia.

And be it further enacted by the authority aforesaid, That all enlistments shall be conditioned; that no enlisted man shall vote at any city or State election; and any offender shall be liable to dismissal, and forfeiture of all pay and clothing.

In the Senate House, on the twenty-first day of December, in the year of our Lord one thousand eight hundred and twenty-two, and in the forty-seventh year of the Independence of the United States of America.

JACOB B. I'ON.
President of the Senate.
PATRICK NOBLE,
Speaker of the House of Representatives.

ARMING THE MILITIA.

Letter of Colonel Bomford, on Ordnance duty, to the Secretary of War, relative to the number of arms required annually to supply the Militia of the West. February 24, 1823.

ORDNANCE DEPARTMENT, *Jan.* 8, 1823.

SIR: In answer to the resolution of the Senate, of the 23d ultimo, I have the honor to report, that "the number of arms annually required to supply the militia of the West," is estimated at 3,500 muskets. This estimate is founded upon the following considerations, viz: the annual appropriation of $200,000 for arming and equipping the militia, it is estimated, will insure a product of 14,000 muskets annually, and defray all the incidental expenses of inspecting, packing boxes, carriage to the arsenals, and transportation to the respective States and Territories. That number of muskets, or other arms equivalent thereto, is therefore required for annual distribution to the whole body of the militia of the United States; and it is estimated that one-fourth of that number, 3,500, will

be required for the militia of the West. This proportion is founded upon the consideration, that such of the Western States and Territories, which would be supplied from the Western armory, contain one-fourth of the entire population of the United States.

To ascertain "the probable number of arms necessary to be placed in the military deposites located on the Western waters," the following facts and views are respectfully submitted:

The total number of arms, in good order for service, now deposited in the several depots of the United States, is as follow, viz:

Muskets	268,890
Rifles	20,689
Pistols	34,859
Cavalry sabres	25,062
Artillery swords	7,762
Total number in all the depots	357,262

Of the foregoing, the following are deposited in the depots of the West, including at Pittsburg, viz:

Muskets	35,968
Rifles	6,201
Pistols	10,654
Cavalry sabres	10,567
Artillery swords	2,464
Total number in the Western depots	65,854

If the principle assumed with respect to arms for the militia be taken in this case also, viz., that the general stock of arms in the country should be distributed to the principal sections of it, in a ratio proportionate to the population of each, it will appear that the Western depots now require about 23,500 stands, to give them a due proportion of the general stock. If this calculation be applied to muskets alone, which is the principal arms, the deficiency in the Western depots will appear to be about 31,000.

The average number of arms which are manufactured annually, under the provisions of existing laws, may be estimated as follows, viz:

The product of the two National armories	24,000
Made by individuals, on contracts for supplying the militia, under the law of 1808	14,000
Total number now made annually	38,000

One-fourth of which is 9,500; which number, it is conceived, should be transported to the West, and deposited in the Western depots annually.

There has been transported, from the Atlantic States to the Western States and Territories, from 1812 to 1822, both years inclusive, the following number and description of arms, viz:

Muskets	49,500
Rifles	6,878
Pistols	13,990
Cavalry sabres	12,200
Artillery swords	2,350
Carbines	500
Total number transported to the West, during 11 years	85,418

Equal to an annual average number of 7,765.

From the foregoing statements it results, that between seven and eight thousand stands of arms have been annually transported to the West, since the commencement of the late war; that about twenty-five thousand stands are now necessary to be transported thither, in order to give the Western depots a due supply; and that, to keep up that supply, nearly ten thousand stands must be annually sent there hereafter.

The amount which has been paid for transporting arms to the West, cannot be accurately ascertained. Heretofore the cost of transportation has been estimated at one dollar per stand, which was probably correct. But it is believed that, owing to the present improved state of the roads, and the general reduction of prices, arms can now be transported for seventy-five cents each.

"The probable cost of manufacturing arms in the West," may be stated to be the same as the cost of the arms made at the armories now established. Iron from the same works which supply the armory at Harper's Ferry, can be delivered at any point on the Ohio river, for the same prices which are paid at Harper's Ferry. Pit coal, charcoal, and gun stocks, can be procured in the West upon much better terms than at either of the present armories. Other articles would cost more in the West than in the Atlantic States.

The wages of workmen, which forms about two-thirds of the cost of the arms, may be stated to be as low, at least, in the West, as on the seaboard; for, it may be presumed that labor will eventually be cheapest where subsistence is most abundant and cheapest.

The probable cost of erecting, at this time, on the "Western waters, such an armory as that at Harper's Ferry or Springfield," may be estimated at $200,000, including the purchase of sites, mill-seats, and the erection of mill-dams, buildings, and machinery. This cost, however, will depend materially upon the convenience and fitness of the sites which may be selected.

It would require about three years to erect such an establishment. During the first year, little more could be done than to select the position, and to make preparatory arrangements for a supply of building materials. The sites could not be examined advantageously until late in the Summer, when the waters are low; the season would then be too far advanced to commence building. It is estimated that thirty thousand dollars would be sufficient for the expenditures of the first year.

In reference to the expediency or inexpediency of establishing an additional armory, it may be proper to state, that muskets belonging to the United States, at the commencement of the late war, have been estimated at upwards of two hundred thousand stands, and that the number of muskets manufactured during the war was about sixty

thousand. At the close of the year 1814, scarcely twenty thousand stands remained in the arsenals, and great efforts were made to procure an additional supply. Had the war continued another year, the deficiency of arms would have occasioned the most embarrassing consequences.

From this statement, it appears that at least two hundred and forty thousand muskets were expended during the late war; a quantity nearly approaching the number now on hand, as stated in a former part of this report. Thus, it is seen, that nearly eight years of peace have been required to make good losses occasioned by a war of less than three years' duration.

The great extent of seacoast and inland frontier, necessary to be defended in time of war, will render large distributions of arms to the militia and other new raised troops indispensable; and it is reasonable to presume, as well from past experience as from the nature of the case, that our resources will sooner fail in this respect than in any other of our military supplies. And, as so much time is required to put into full operation an establishment for the manufacture of arms upon a large scale, it will not be in the power of the Government, on a sudden emergency, to increase very materially the supply.

If it should be decided to establish an armory in the Western country, it would be advisable to advance it gradually, until it reached the extent of the present national armories. Five or six years would be required for this purpose, because a sufficient number of experienced workmen could not be procured in a shorter period, without materially deranging the operation of the armories now established.

The total annual product of arms, with an additional armory upon a scale equal to the present, may be estimated as follows, viz:

Three national armories, twelve thousand dollars each - - - - - - - - -	$36,000
The appropriation for arming and equipping the militia - - - - - -	14,000
Total - - - -	$50,000

I have the honor to be, &c.

GEORGE BOMFORD,
Lieut. Col. on Ordnance Duty.

The Hon. J. C. CALHOUN.

MANUFACTURERS' MEMORIAL.

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

The memorial of the Board of Manufactures of the Pennsylvania Society, for the encouragement of American Manufactures, respectfully showeth:

That it is with extreme reluctance we feel constrained, by a sense of duty to ourselves and to our common country, to undertake to prove, that the existing tariff of the United States is unjust, oppressive, partial, and impolitic, and loudly calls for a radical revision and correction.

1. *We believe it unjust and oppressive—*

Because it taxes necessaries of life most exorbitantly high, some of them used exclusively by the poor, and admits at low duties, comforts, conveniences, and luxuries, used chiefly and some of them exclusively by the rich.

If this be proved, as we hope will be the case, we fondly flatter ourselves, that enlightened citizens of all classes, paying due regard to their own honor, and that of their country, will not only not oppose a revision and correction of it, but unite in the accomplishment of that object.

The duty on molasses is about forty-two per cent.; on bohea tea, one dollar and twenty cents; on souchong, one dollar and fifty cents; on brown sugar, one dollar; and on salt, about one dollar and eighty cents. These are all necessaries of life. Three of them are used exclusively by the poor, and, according to the practice of wise nations, and the dictates of reason, common sense, and justice, ought to be admitted at low duties. The rich, deriving far more advantage than the poor from the protection of Government, and being able to contribute incomparably more in proportion to their means, ought to be taxed accordingly. It would, therefore, be unjust, even were the duties equal on both. What decision, then, must be passed on a system which taxes the poor ten, fifteen, and twenty-fold higher than the rich, and will appear clear as the noon day sun from the following detail? Gold and silver plate, jewels, lace, lace veils, watches, &c., pay but seven and a half per cent. duty; clocks, silks, satins, cambric linens, bombazets, tartan plaids, gauzes, and Canton crapes, but fifteen per cent.; china, elegant cutlery, girandoles, and lustres, but twenty per cent.; and plated ware, fine muslin, and kerseymere, broadcloth, Cashmere and merino shawls, Brussels carpets, &c., but twenty-five per cent.

We respectfully solicit your most serious consideration to this exhibit, being persuaded that the tariff of no nation in the civilized world affords a more striking picture of oppression of the poor—partiality to the rich—or violation of the fundamental principles of sound legislation. It appears that one hundred dollars worth of salt pays as much duty as seven hundred and twenty dollars worth of Brussels carpets, nine hundred dollars, worth of girandoles or porcelain, or twenty-four hundred dollars worth of plate.

2. *The tariff is partial in the extreme.*

A wealthy sugar planter, with an annual income of three, four, five, or ten thousand dollars, is, as appears above, protected in his bulky staple, of which the freight is very high, by a duty of one hundred per cent.; the tobacco planter, by duties all but prohibitory; the cotton planter by a duty of thirty-seven and a half per cent.; and the farmer, by a duty of thirty-three per cent. on hemp, one hundred and fifty per cent. on cheese, and by duties averaging about one hundred per cent. on foreign spirits, to protect him in the market for

his grain for distillation, and in the sale of his rye and apple whiskey, and peach brandy, while all manufactures of flax are admitted at fifteen per cent.; the great mass of those of iron, steel, brass, lead, tin, pewter, china, pottery, and stone, at twenty per cent.; and manufactures of cotton, (at or above twenty-five cents per square yard,) wool, and copper, at twenty-five per cent.

We respectfully invite your attention to the preceding view, and feel confident that the extreme partiality of these features of the tariff will not be controverted.

3. *The tariff is manifestly impolitic.*

It is a maxim in political economy, consonant with the practice of the wisest statesmen, to admit raw materials, whereon the industry of a nation may be employed, and whereby its wealth and prosperity may be promoted, either absolutely duty free, or on easy terms. This maxim we have ourselves adopted in parts of our tariff, witness hides, furs, block tin, &c., imported duty free. But in other cases, the duty on the cumbersome raw material is equal, and in some nearly double that of the manufactured article. Flax falls under the first description; cotton and hemp, under the second. Flax, which, from its bulk, is subject to considerable freight, pays fifteen per cent. Linens of every kind, fine and coarse, Russia diapers, damasks, thread stockings, and all other articles made of flax, as above stated, pay only the same duty. Cotton pays thirty-seven and a half per cent. duty. Whereas cotton stockings pay but twenty; and fine manufactures of cotton twenty-five. Hemp pays a duty equal to thirty-three per cent. But hempen cloth, (except Russia and German linens, Russia and Holland duck,) pays only twenty; Russia duck sixteen; and Ravens duck twenty-five per cent. To this part of our system, there are two equally strong objections. It is as partial as impolitic.

We now proceed to notice some of the objections to an alteration of the tariff.

1. *Extortion.*

The clamor raised, and the hostility and other angry passions excited against the manufacturers, in 1816, for alleged extortion during the war, which was the principal cause of their being abandoned in the succeeding years to the ruin in which they were overwhelmed, requires serious consideration, as the same feelings and prejudices still prevail in certain quarters, generating jealousy and alienation between fellow-citizens, who, having one common interest, ought to regard each other with kindly sentiments. We hope to prove the accusation undeserving of notice. We single out, (as has been frequently done heretofore in vain,) the article of superfine broad cloth, which is a fair example. Other articles will stand or fall with it. That species of cloth was sold before the war for seven or eight dollars—and was raised during the war to twelve, thirteen, and fourteen. This was regarded as an instance of base extortion, and was the grand foundation of the obloquy then cast on manufacturers. But the fact was never brought into notice, that Merino wool was sold previously to the war at seventy-five cents per lb.—and raised in 1814 to three and four dollars! The extortion, if any, was therefore on the part of the sellers of the wool—and not on that of the manufacturers of the cloth—as it is susceptible of complete demonstration, that the per centage of profit was less on the high than on the low priced cloth.

But this accusation could not come with the least propriety from any other class of society; as at that period they all enhanced their prices in proportion as the demand rose. The merchants, on the declaration of war, raised the prices of foreign articles, in many cases, sixty, seventy, and one hundred per cent. In the year 1816, when, as we have stated, this clamor was excited, and when its operation was so severely felt, agricultural products underwent a great rise. In 1814, cotton was thirteen cents per lb.; in 1816, it rose to twenty-seven; in 1815, wheat was one dollar and twenty-five cents per bushel; in 1816, it rose to one dollar and seventy-five cents. But the case of tobacco is far more strong and striking, and entitled to more weight, from the consideration that among the most ardent accusers of the manufacturers, were to be found some prominent citizens almost wholly engaged in tobacco planting. Tobacco in 1815, according to the Treasury returns, was only ninety-six dollars per hhd., whereas it rose in 1816 to one hundred and eighty-five dollars. This is a rise, which, under no circumstances, has ever taken place with manufactures, and must settle the question for ever in the mind of every honorable member of society.

2. "*Trade will regulate itself.*" "*Let us alone.*" "*It is wrong for Government to interfere with private pursuits or capital.*" "*Capital will always find its most beneficial mode of employment.*"

Whenever application has been made to Congress for an increase of the duties on imported merchandise, Chambers of Commerce in different cities have used great exertions to prevent success; and have presented petitions, memorials, and remonstrances, against the measure, on the ground that "trade would regulate itself," and that "it ought to be let alone." This course, we are sorry to say, for the honor of our country, was pursued with great zeal and ardor, even in the years 1817, 1818, and 1819, when desolation and destruction pursued the manufacturers, who were in vain struggling under all the disadvantages of inexperience, want of skill, and slender capitals; and when nothing was wanting but the powerful protection of the Government, to foster their establishments to a maturity of strength which would bid defiance to foreign rivalship. Yet, by a strange inconsistency, these very Chambers of Commerce were seen, sometimes in the same session, praying for counteractions, restrictions, and exclusions of foreign tonnage, as well as for special favors for "the regulation of trade." Our statute book abounds with acts of the most exclusive and restrictive character in favor of our merchants—always sought for when in any way necessary

and always granted when sought for. The second act passed by Congress, at its first session, had this object in view; and it never has been lost sight of since. We are, therefore, warranted in saying that, "let us alone," in the mercantile language, strictly means to let the merchants import and export whatever may suit their purposes, how pernicious soever it may be to the general welfare, or to the industry or happiness of any class of their fellow-citizens. But when their interests require it, the "let-us-alone policy" is laid aside, and Government is loudly called on to interfere for their protection. We instance, from the great mass of this description, the law respecting plaster of paris—and those to counteract the colonial laws of Great Britain, and the navigation laws of France. We would ask, and it would be found difficult, without condemning this policy, to give a satisfactory reply—why the importation of ships should not be allowed at low duties, to destroy the art of ship building, and blast the fortunes of the ship-owners, as well as that of cottons or woollens, to ruin the proprietors of cotton and woollen manufactories? With what propriety or consistency did the same Chambers of Commerce that solicited the Government to force Great Britain to relax her colonial system for their advantage, use all their efforts to debar their fellow-citizens from a small addition to the duty on goods of which the importation was effecting their destruction? Why, in one word, should one species of industry and one class of citizens be protected by every kind of restriction that can be devised, and another species and class be subjected to the overwhelming competition of foreign rivals?

We beg leave briefly to state, that every nation in the civilized world, except Holland and the United States, imposes heavy duties on, or actually prohibits, such articles as interfere with or destroy the domestic industry of the country. The four greatest nations in Europe (Great Britain, France, Russia, and Austria) have systems abounding with various restrictions. France prohibits manufactures of steel, brass, copper, woollen cloths, wove cotton goods, cotton yarn, watches, clocks, &c. The prohibitions in the Russian tariff amount to three hundred and ten articles, embracing the important manufactures of iron, brass, steel, copper, wool, leather, silver, glass, flax, hemp, and cotton. England prohibits altogether a variety of articles, and imposes a duty of 172 per cent. on printed linens; 104 on linen sails; 80 on glass; and 75 on China, earthen-ware, and manufactures of leather, skins, and furs. Seventy or eighty enumerated articles, and all that are not enumerated, pay 50 per cent.

Spain, Portugal, Prussia, Denmark, Sardinia, Sweden, Mexico, and Peru, pursue the same system. The latter subjects to double duties "such articles as directly prejudice the industry of the country—such as ready-made clothes, white and colored leather, boots, shoes, chairs, sofas, tables, commodes, coaches, calashes, saddles, and other manufactures of harness, ironmongery wax, spermaceti and tallow candles."

It cannot possibly be supposed that we possess more wisdom, and have devised a more perfect system, than the oldest and most prosperous nations in the world. But, if we refuse to profit by the salutary lessons and examples of the rest of the civilized world, it would be unwise not to profit by our own melancholy experience.

We wish to recall to your recollection the awful scenes of 1784, 1785, 1786, 1787, and 1788, when intense suffering and distress stalked through the land; when tender and appraisement and stop-laws disgraced and dishonored the statute-books of one-half of the States in the Union; when civil war raised its bold front in Massachusetts; and when our citizens were disposed to doubt whether all the boasted blessings of the Revolution were not likely to vanish "like the baseless fabric of a vision."

To what was this shocking state of things owing? To extravagant importations of foreign goods alone, whereby we were drained of our specie; a general paralysis produced; and property of every kind was sacrificed at one-half, one-third, or one-fourth of its former value. The merchants who were then, as now, in favor of the "*let-us-alone policy*," suffered in the general wreck, with the rest of the community.

If from that dreadful period we direct our eyes to the disastrous years 1816, 1817, 1818, and 1819, when so much distress pervaded the land, we find the same causes and the same effects. We find that to the extravagant importations of 1815 and 1616 nearly the whole of the sufferings of the country may be as fairly traced as any effect whatever to its proximate cause. Those importations exceeded our means of payment by our natural productions. The balance was paid in specie. The banks were drained—all of them obliged to press on their customers—and no small number to suspend specie payments altogether; and thus bankruptcy and ruin swallowed up thousands of our citizens, particularly in 1819. In this case, as in the former, the mercantile class largely shared in the general disasters.

To the consequences of the enormous importations of the present year we look with the most serious apprehension. They so far exceed the amount of the export of our productions, that, although we have remitted of Government and United States stock, exclusive of stocks of various other kinds, within the year, above four millions five hundred thousand dollars—and exported six or seven millions of specie more than we imported—we still have not, by some millions, met the demands of Europe on us for the fiscal year recently closed.

It is an important truth, demanding the most serious and solemn consideration, that by those extravagant importations we hold specie payments (so vitally important to the character, the morals, the happiness, and the prosperity of the country) by a very precarious tenure. Whenever importation greatly exceeds exportation, the balance must be paid in specie; and when that payment goes to the extent it reached in 1784 and 1785, and in 1815, 1816, 1817, and 1818, the con-

sequences in all future times, as in times past, must necessarily be tremendous.

To our fatal experience of the ruinous consequences of extravagant importations, and the necessity of controlling them by legislative interposition, we can add that of Russia and Holland, which ought at once to preclude all controversy on this subject, and to settle the question without appeal. Russia, which had prospered for a series of years, under the restrictive system, made a total change early in 1820, abrogating its prohibitions and greatly reducing its duties. The consequences during 1820 and 1821, were fatal to its industry, happiness, wealth, and prosperity, which were most dreadfully impaired. The limits of a memorial prohibit entering into detail, and we shall only quote the pithy statement of the Russian Government, dated March 23, 1822, when the "let-us alone policy" was wholly renounced—"agriculture without a market—industry without protection—languished and declined—specie was exported, and the most solid commercial houses were shaken." The whole invaluable document may be seen in our gazettes.

The facts of this case are immensely important, and ought never for a moment to be disregarded by our statesmen. Narrow and illiberal views of this grand subject have assumed an hostility between the different classes of society, and supposed that the promotion of the prosperity of manufactures, by protecting duties, would be pernicious to agriculture and commerce. Nothing can possibly be more foreign from the truth. Their interests are identified. It is impossible that so great a national branch of industry as that of the manufacturing class can prosper or decay, without the other branches enjoying a portion of the prosperity, or suffering a portion of the decay. In confirmation of this plain theory, Russia found, as we have found by our own fatal experience, that although by opening the floodgates to foreign merchandise, and "buying goods where they could be had cheapest," manufactures and manufacturers may be the first to suffer, yet agriculture and commerce ultimately partake equally in the disastrous consequences.

Holland is at present writhing under the consequences of the "let-us-alone policy." Her tariff bears the same date as ours, 1816. It imposes very light duties. Since its operation commenced, her finances have failed—her industry is paralyzed—real estate has fallen throughout the kingdom (except at the Hague and in Brussels) one-third, and one-ninth part of the population of the most industrious country in the world is actually dependent on public support for a living.

In every other science but political economy, when a theory is broached, it is, according to the dictates of reason and common sense, subjected to the test of experiment; and if it cannot pass this ordeal, it is abandoned. It is melancholy to reflect, that in the grand science of promoting the happiness and prosperity of nations, this sound procedure is wholly abandoned; and that so many of our most estimable citizens, yielding themselves to plausible but delusive theories, shut their eyes to the deleterious consequences produced in Spain, Portugal, Ireland, Poland, Russia, and the United States, by the "let-us-alone policy," as well as to the incalculable benefits derived by Great Britain and France, and the vast additions to their "wealth, power, and resources," from the restrictive system.

3. *The injustice of taxing the many for the benefit of the few.*

This phrase has been so often reiterated, that many of our citizens are impressed with an opinion that the manufacturers are but a "few," and form a very "insignificant" part of the community. In an address recently delivered by a member of an agricultural society, which has memorialized Congress against the applications of the manufacturers, they have been styled "the most insignificant and inconsiderable interest in this nation!" We deeply regret the use of such harsh language, so wholly unlooked for, so wholly unfounded, and so well calculated to excite irritation and retaliation. The orator must have been ignorant of the fact, that this "most insignificant and inconsiderable interest" actually comprises, in the eleven old States, from Maine to Maryland inclusive, 1,064,742 souls, being 22 per cent. of 4,839,738, the total population of those States; and about 1,349,000 in the whole Union—being about one-seventh of its aggregate population. The manufacturers "purchase from their agricultural fellow-citizens all the animal food, all the breadstuffs, four-fifths of the drinks, all the timber except mahogany, one-third of the sugar, and ninety-nine parts in one hundred of the tobacco which they consume. Moreover, all the flax, all the hemp, all the wool, all the hides, all the skins, and all the furs, furnished by our fields and forests, find a ready market in the workshops" of this "insignificant interest," who are thus ignominiously held up to the contempt of their fellow-citizens. In one word, the market this "*caste*" affords its agricultural brethren is six-fold greater than the markets of all the world besides, and not subject to the destructive fluctuations of foreign markets.

4. *The dangers of monopoly.*

It is asserted that protecting duties will afford the manufacturers a monopoly, and enable and induce them to impose on the public, by charging exorbitant prices. There cannot be any monopoly in this country. There is no power to grant one. Every species of industry, of whatever kind it may be, is open to every citizen, without exception. It has been conclusively observed, on this subject, by one of our greatest statesmen: "When a domestic manufacture has attained to perfection, and has engaged in the prosecution of it a competent number of persons, it invariably becomes cheaper, [than the foreign article.] The internal competition which takes place, soon does away every thing like a monopoly, and, by degrees, reduces the price of the article to the minimum of a reasonable profit on the capital employed." But we are not to depend on theory. We have the

most satisfactory experience on the subject. The objection is set at rest, by the experience of the duties on yarn, coarse cottons, and nails. These duties are very nearly prohibitory; and so far from realizing the gloomy anticipations of the consequences of prohibitory duties, those articles are furnished of better quality, and cheaper, than they were when foreign rivals enjoyed the market.

5. *It will destroy the revenue.*

Our demands for the productions of Europe will increase with our population and our prosperity; and the tariff may, without difficulty, be so far modified, that the increased duties on the articles which we must continue to import, will amply compensate for any deficiencies that may arise from the diminution of other articles, for which our citizens will provide substitutes. Silks and linens, neither of which are at present manufactured here to any extent, would afford an addition to our revenues of probably one million of dollars. A variety of other articles might be pointed out, which would admit of additional duties. For a long time we cannot supply ourselves fully with cottons or woollens. It cannot be doubted, that an addition to the existing duties of 12½ or 15 per cent. on what we must continue to import, would amply compensate for the defalcation of the amount resulting from an increase of the domestic production.

6. *The danger of smuggling.*

On this point very few observations will suffice. We impose 80, 90, 100, and 150 per cent., on teas, sugar, wines, and spirits, without any apprehension of smuggling. It is therefore highly incorrect to magnify the danger of smuggling, to deter Congress from imposing duties of 30, 35, or 40 per cent. on manufactures. There is no body of merchants in the world more fair or honorable than ours, and it is a libel on them to suppose the existence of this danger.

Most of the observations we have hitherto offered partake of a local or sectional character, merely to meet and obviate sectional prejudices. But it does the subject great and manifest injustice not to consider it on a grand national scale, so far as it affects the interests of a rising empire. We will now present one feature of our policy, predicated on the national importance of this subject.

We have probably exported, this year, 135,000,000 pounds of Upland cotton. At 8 pence sterling per pound; which is the average of the year in Liverpool, it amounted to £4,500,000, or about $20,000,000. Had we manufactured 35,000,000 pounds additional, and the increase in value by the manufacturer been but four-fold,* it would amount to about $20,000,000, the actual amount of the whole crop, leaving a national gain of about $15,000,000 for rent, wear and tear of materials, wages of labor, and profit of capital. And, from the luminous circular letter of Cropper, Benson, & Co., recently published, and the actual state of the production of cotton in all the countries where it is cultivated, as well as the great increase of consumption, there is no doubt that the residue would have produced as much as the whole has done. The price abroad has fallen by excess of exportation.* Nothing but a decrease is likely to raise it. And nothing but extending the domestic consumption can produce this decrease. The interests, therefore, of the cotton planter and cotton manufacturer are indissolubly identified; and the general prosperity, wealth, power, and resources of the nation materially depend on the regulation of our policy with a steady eye to this identity. Cropper, Benson, & Co., expressly state that, by a decrease of the exportation, our planters "might sell their cotton at any price." What an important field for reflection on the immense advantages presented to us by bounteous nature, which we lavish for the support of foreign industry and foreign Governments! These considerations might be advantageously extended to various other branches of our industry.

We could make large additions to this memorial, but we hope we have adduced sufficient reasons to prove, as we stated, that the tariff is unjust, oppressive, partial, and impolitic, and requires complete correction.

All which is respectfully submitted.

Signed by order of the Board:

WILLIAM TILGHMAN,
President Pa. Society for encouragement of American Manufactures.

Attest: HENRY HORN, *Sec'ry pro tem.*

PHILADELPHIA, *December* 30, 1822.

* Very recent accounts from Great Britain warrant the belief that the increase is seven or eight fold. The exports of cotton goods from Great Britain this year are about £23,000,000, or above $100,000,000.

* The average price in Liverpool, in 1819, was 15¾ pence sterling. That year there were only 205,000 bales imported from this country, The next year the importation was 300,000 bales, and the price fell to 13*d*. In 1821, the importation continued at 300,000 bales, and the price fell to 11*d*. This year the quantity increased considerably, and the price has fallen to an average of 8*d*. These are facts which cannot be too seriously considered by our statesmen.

MEMORIAL OF THE MANUFACTURERS OF CORDAGE.

To the honorable the Senate and the House of Representatives of the United States in Congress assembled.

The memorial of the subscribers, manufacturers of cordage, of the city and county of Philadelphia, respectfully represents:

That your memorialists perceive, with concern, in the scheme of the new tariff, submitted to your honorable body with a view to the effectual encouragement and protection of American manu-

factures, a proposition to impose an additional duty on hemp.

Your memorialists are utterly at a loss to conceive how an increase of duty on a raw material of indispensable use, will in anywise afford support or encouragement to that branch of domestic manufactures wherein your memorialists are engaged.

The chief part of the hemp employed in the manufactories of naval cordage in the United States is imported from Russia, the agriculturists of which country have brought the article to such perfection, that all attempts of other nations, hitherto, to rival this material have proved abortive.

Your honorable body need not be informed, that on the goodness of the raw material depend the perfection and success of the manufacture, and that it is the interest of all manufacturers to obtain their raw materials from those countries which furnish the best. Russia, incontestably producing the best hemp for the cordage employed in the equipment of ships, it becomes a question for the deliberation of Congress whether, by imposing an additional duty on hemp, the price of cordage will not be so much enhanced that the American merchant will cease to export it; and, whether he will not be even induced to procure the supplies for his vessels, when abroad, of those nations who, wisely providing for every exigency in the progress of their own manufactures, impose so low a duty on raw materials that their citizens are enabled to enter fairly into competition with their rivals of other countries.

Your memorialists would respectfully beg leave to state to your honorable body, that the present duty on hemp, being about thirty-three per cent. on its original cost, is in their opinion much too great; and that, if it was reduced, the prosperity of the American hempen manufactures would be proportionably promoted, inasmuch as the consequently reduced price of cordage would encourage its exportation, which is now greatly limited; and as the American merchant would thereby be induced to disburse that wealth for the equipment of his vessels in our own country, which now, as often as he conveniently can, his interest leads him to expend abroad.

But should your honorable body think it not advisable to reduce the duty on foreign hemp, your memorialists would humbly remonstrate against the proposed exorbitant impost of fifty dollars and forty cents per ton on this, at present, indispensable article, in the full persuasion that Congress, in their endeavors to foster and protect our domestic manufactures, will deem that branch which your memorialists represent as not unworthy of their consideration and support.

B. WILLIAMSON,
W. B. MILNER,
WILLIAM DAVIS,
JACOB DUNTON,
WILLIAM KER,
GEORGE McLEOD,
And others.

PHILADELPHIA, *Jan.* 27, 1823.

THE CASE OF GALES & SEATON.

[The following is the testimony annexed to Mr. Dwight's report on the official conduct of the Printers to the House of Representatives relating to the suppression of documents. Communicated to the House of Representatives, January 30, 1823.]

A.

WASHINGTON, *Jan.* 21, 1823.

SIR: In the Washington Republican of last evening is an article, a copy of which we have the honor to annex hereto, impeaching the honesty of our conduct as printers to the House of Representatives.

We are glad to meet this charge in a tangible form, unfounded as it is. Always holding ourselves amenable to the authority of the House for the faithful discharge of our official functions, we ask of the House that it will do us the justice to institute a committee to inquire into the correctness of our conduct, herein impeached, with power to send for persons and papers, and report the result of its investigation to the honorable body over which you preside.

With the highest respect, we have the honor to be your most obedient servants,

GALES & SEATON.

Hon. P. P. BARBOUR, *Speaker, &c.*

The following communication we are induced to insert in our paper, not from any feeling of hostility to the respectable gentlemen to whom it is addressed—a feeling we are incapable of cherishing towards them—but because we think it *due to them* to afford them an opportunity of doing away with an impression which has been made on the minds of some members of the House, and which, if suffered to remain, may be disadvantageous to their reputation.

Messrs. Gales and Seaton:

GENTLEMEN: Influenced by the charitable principle of considering every man innocent until his guilt is proved, and knowing that presumptions, even the most violent, are not always to be relied on, it is the object of this address, which shall be short, to elicit from you explanations that are indispensably necessary to acquit yourselves of suspicions highly injurious to you, that have existed for nearly twelve months past.

It will be recollected that, at the last session of Congress, the House of Representatives adopted a resolution calling upon Mr. Crawford to exhibit a statement of his transactions with all those banks which had been made by him the depositories of public moneys received from the sale of public lands. In conformity to which resolution, he made his report on the 14th of February, 1822, and accompanied it with numerous corroborating and explanatory documents, all of which the House ordered to be printed. You were the public printers to whom these documents were delivered, and it was your duty to have printed them correctly; yet it is a fact, incontrovertible, that part of those documents, implicating Mr.

Crawford the most strongly, were suppressed and totally omitted in the printed document with which you furnished the House, professedly in obedience to its orders. Of this fact any gentleman may be fully satisfied who will take the trouble to compare the printed document with the one transmitted to the House by Mr. Crawford, and which is now in the possession of the Clerk. The latter also affords intrinsic evidence that the omissions were not accidental, for they are enclosed in black lead pencil brackets, which would seem to have been intended as a guide to your compositor.

Strong as are the implications which those facts seem to warrant, and decided as your partiality for Mr. Crawford has been, I will not indulge the belief (at least until you have had an opportunity of explaining) that you could have reconciled it to yourselves to have sheltered him from a just responsibility, by so great a violation of the confidence reposed in you, and such a flagrant contempt of the legitimate authority of the House of Representatives, that no member thereof, however infatuated by party zeal, who feels the slightest respect for the dignity of his station, could, without dishonor, regard with indifference.

A. B.

B.

George M. Grouard's deposition.

I am foreman for Gales & Seaton, and have been for eight years past. I receive the documents, generally, through the messengers of the House: it is very rare that I receive any from Gales & Seaton. As soon as received, I number and enter them in a check book, and put them under lock and key, where they remain till they are placed in the hands of the compositors. I am persuaded no person had an inspection of these documents but myself. I noticed there were several erasures in these documents when I received them. It is my invariable practice to omit all the paragraphs erased, marked, or crossed. The marks and brackets alluded to were not made in the office. The paging was made at the office, as also the figures in the margin, to assist the compositor; and the word "out," in pencil, in the margin, was made, as I suppose, by my assistant, as an indication to the compositor to omit the paragraph against it. There was no reason for omitting the particular paragraph which did not apply to all the omissions. No hint was given to me to omit the paragraph from any person.

I never knew Messrs. Gales & Seaton to insert a word, or leave out a word, or wish me to insert any word, or omit any word, which was ordered to be printed or omitted. If original documents are sent to the Clerk of the House by the Departments, they are sent to the office without being copied. The different Departments have no particular mode of indicating what they wish to have omitted.

I do not recollect that any of the other Departments have ever sent original papers with white paper pasted on any paragraph. I never read any of the passages erased in this case.

I feel myself bound by the direction of any proper officer of the House as to the mode of printing.

I have an indistinct recollection that there was some direction in the margin to omit the passages stricken out, or marked; but that would have had no additional weight with me.

C.

William Kerr, jun.'s deposition.

William Kerr, jun., testifies that he is an assistant in the office of Gales & Seaton; that certain marks, made with a pencil, in a document from the Treasury Department, containing information in relation to the banks in which the moneys received from the sales of public lands have been deposited, were not made by him, neither was the word "out," accompanying those marks, written by him; the papers were received at the office as now marked with a pencil, with the exception of the paging, which was done at the office; and, in one instance, where the conclusion of a letter had been omitted by the compositor, the part that had been omitted is included in a circle, and the word "out," in large characters, was written by me. It is my practice, when a compositor has omitted any matter, to mark the part omitted in this manner, and send it back to him for insertion; and the part thus marked, above referred to, will be found in the printed document. If any part of the copy sent to the office to be printed is crossed with a pen or pencil, as in the above document, I should understand such cross to mean that that part was not to be printed; and it is an invariable rule to omit all passages thus marked. Neither Mr. Gales nor Mr. Seaton gave directions to omit these passages, nor, to my knowledge, did they ever know that said passages were omitted. We considered it a thing of course; and, therefore, they were not consulted on the subject. All copy sent down from either House of Congress is put into the hands of Mr. Grouard, the foreman, or into mine; and, if not immediately put into the hands of the compositor, is placed under lock and key. Messrs. Gales & Seaton never concern themselves about the copy, further than to hasten the publication of some particular document, when it has been intimated to them at the House that it is in a hurry. They trust altogether to their foreman.

It is my impression that, during the last session of Congress, a document was received from the Treasury Department, through the House of Representatives, accompanying which was a direction to omit some part of it; and, as several erasures were made in this particular document, I am of opinion that this was the one. I cannot, however, speak positively on this point. I think the instructions were written with a pencil on the margin. We sometimes receive instructions, relative to the printing, from the officers of the respective Houses, but these instructions are written notes. I should, however, have considered it my duty to obey the instructions of Mr. Dickins, or any clerk having authority to give them in any department of the Government, from which documents might be received for publication. It is not in my power to single out either Mr. Dickins or any other indi-

vidual from whom said instructions might have been received; but, without particular instructions on the subject, the marks made with a pencil were sufficiently imperative. Any instructions received would necessarily have passed through the hands of Mr. Grouard before coming into mine. Original documents are sometimes sent from the Departments to Congress, when they have not time to prepare copies.

I have never had any conversation with Mr. Gales or Mr. Seaton on the subject of these papers.

D.

Testimony of Mr. Burch, deputy clerk of the House of Representatives.

Mr. Berry, of the Clerk's office, informed me that he was directed by Mr. Cook to make him a copy of the letter marked A 5, and asked me whether he should put in the copy the paragraph enclosed in brackets and crossed with a pencil-mark, informing me, at the same time, that Mr. Cook wished the copy certified. I told him to make an exact copy. I think this was since the 1st of January.

I took the copy and marked it with a pencil, exactly after the manner of the original. The certificate stated the original to be marked with brackets and pencil. I delivered the copy to Mr. Cook.

I have seen papers, repeatedly, within the last twenty years, transmitted to the House of Representatives, which were marked in various ways. I will not undertake to particularize them at this time, or to state from what Department; but I believe it has not been confined to any particular Department. I will, however, mention the Department of State more particularly. I remember that, in some instances, requests came from the Executive Departments that certain papers transmitted to the House might not be printed, more particularly during the late war; as, in all cases of publication, the papers never failed to find their way to the enemy, and he thereby became too intimately acquainted with our concerns and situation.

I consider the several marks shown me to be a peremptory order to the printer to leave them out of the printed copy.

I frequently give instructions as to the printing bills, and as to documents; but the instructions never go beyond the order of the House. When the House orders the printing of a document generally, we never undertake to order a part to be suppressed. When the House orders parts of papers to be printed, the papers to be excepted are either taken out and retained in the office, or are legibly marked and labelled "not to be printed."

When Messrs. Gales & Seaton first became printers, Mr. Seaton directed all documents which were to be printed to be sent to their foreman, and all instructions to be given him. The name of Mr. Grouard was given to us by Mr. Seaton as the person to whom we were to make communications upon the subject of printing. I have seldom, if ever, addressed directions or communications directly to Messrs Gales & Seaton upon the subject of printing.

I never knew the late Clerk, Mr. Dougherty, to make any marks other than those which he was authorized and directed to do by the order of the House; nor do I believe he made those in question.

James Barron's testimony.

I am messenger in the office of the Clerk of the House of Representatives, and have been for several years past. When I am ordered to carry documents, I am ordered to deliver them to Mr. Grouard, if present; and if not, to lay them on his table.

E.

Mr. Dickins's deposition.

Asbury Dickins, clerk in the office of the Secretary of the Treasury, testified, that all the papers in relation to banks, and the deposites of money in said banks, are in my hands. The general practice is to transmit copies when papers are called for. When business presses, we are obliged to send the originals. When copies are made, they are made of the whole correspondence, unless there may be some things improper to be communicated. It is the general direction of the Secretary, when information is called for, to give every thing that relates to the subject.

The papers, after selection, are laid before the Secretary; and, in this case, he directed me to collect every thing in the office relating to the subject; they were selected, and submitted to his inspection. In this case, from the urgency of it, I took the originals and rough drafts.

Those passages which seemed to have no reference to the subject of the call, I marked with a pencil.

I have no recollection of having marked the particular passage suspected; and did not recollect there was such a passage. I only marked three passages, and them I recollect from the subject.

1st. I 6. The three last lines but one on page 114, I marked as omitted. The reason for marking this was, that it did not, in my opinion, relate to the subject; and implicated one who had been a public officer.

2d. L 5. The four last lines in page 148 erased, and the five lines on the next page; I crossed them as not relating to the subject of the call; and they referred to another and distinct letter.

3d. Was in a letter from Farmers and Mechanics' Bank of Indiana to the Secretary.

F 6. I marked to be left out the three last lines, as implicating the credit of two banks, and as not relating to the subject of the call.

M 5. The papers pasted over a part of the letter were not with a view to suppress the information; but, as it had no relation to the subject of the resolution, and was in relation to a quarrel between the Bank of Tombigbee and the branch Bank of the United States at Savannah, I thought it not proper to be communicated.

I now recollect the above passages, because I

hen thought, and still think, the information ought not to have been communicated, and would e injurious to the parties if published.

I have no recollection of the letter A 5, and should not have made the marks to exclude the nformation, because I did not think it ought to have been concealed.

I see no reason why it should be concealed. I nade the mark of the word "out," in the margin of letters I 6, L 5, F. 6.

The whole of these transactions I was acquaint-ed with at the time. The papers originally passed hrough my hands.

The papers remained some time before the Sec-etary, while he was making the report, after I gave them to him, before he communicated them o the House.

The Steubenville Bank was solvent at the time of deposite. The Government has lost nothing by hat bank; it now has deposites of public moneys, nd is solvent.

I never knew any mark or erasures to be made y Mr. Crawford on papers to be communicated, fter I had made such as I thought proper to make. After the report had been sent to the House, I ecollected that I had omitted the reference to one f the documents which now appears in the re-ort, and came to the House and found the report ad been read, and applied to Mr. Burch for the eport and documents. He went into the House, nd said the report was not on the Clerk's table, nd he supposed some member had taken it to read. He went into the House again, and said he could ot find them. While I was waiting Mr. Cook ame, with the report in his hand, and gave it to Mr. Burch, and asked for the documents. Mr. Burch handed to him a sealed packet, which was he same I had sealed at the Treasury. Mr. Cook roke the seals, and began to look over the papers, nd said, "I suppose I may take them to my room." Mr. Burch assented, and Mr. Cook took them way. I then put in the reference (+) which ow appears on the report.

FRIDAY MORNING, *January* 25.

Mr. Dickins re-examined.—The paper contained n A 8 was a confidential communication from he Bank of Steubenville of the state of the bank, which is made once a month by each bank, in which the private affairs were stated, and agreed y the Secretary to be confidential.

The handwriting on A 5, in red ink, is mine. do not know when made, but I think it was nade when the subsequent letter of May 1 was eceived, in relation to Brownville and Mount Pleasant Banks.

This letter of the 1st of May is not communi-ated, as will be seen by the printed documents.

B 1.—The red ink is in my own handwriting, nd was made at the time the correspondence was prepared for the House.

I made the brackets in F 6; and made the red nk brackets in B 1. I have not seen the papers, ince they were communicated to the House, until esterday, with the exception of seeing them in he presence of Mr. Burch and Mr. Cook. I never had any conversation with Messrs. Gales & Sea-ton, or any person in their employment, in refer-ence to the suppression of parts of papers in the printing.

I think the Secretary would, if particularly re-quested, communicate these monthly statements of the banks to the House.

I cannot say that I did not make the marks upon the letter A 5, but I gave yesterday the reasons why I think I did not.

There never have been any documents trans-mitted from the Treasury which were marked as not to be printed before this time.

I should think the marks I made a sufficient di-rection to the compositor not to print the parts included between them. And I think that, if the Secretary should have been of opinion that what I had marked ought to be printed, he would have erased my marks.

The Secretary and myself had no particular consultation on the subject of these papers.

The paragraph in A 5 does relate to the subject more than many others, and, I think, ought to have been communicated, though unimportant.

SATURDAY MORNING, *January* 25.

Mr. Dickins repeats the impression that he did not mark the paragraph in A 5. It was not his intention to mark it, and he thinks he did not.

The word "*out*" was written by him upon all the three letters in his first evidence particularly mentioned.

When the correspondence with these banks was received, I filed away the whole of it.

I do remember having referred to A 5 after it was received, and before it was communicated, for the purpose of making the reference which now appears upon it in red ink.

Many documents remain, without being filed away in the office, for some time after they are received.

When the call was made, I looked over all the letters, filed and unfiled, relating to the subject.

Since the first call, I do not recollect having found any additional letters relating to this sub-ject.

The documents communicated under the second call were not laid before the Secretary on the first call.

In the letter A 2, although there is a paper pasted over a part of the original memorandum, yet the letter was communicated as it was origi-nally sent to the cashier of the Bank of Steuben-ville.

F.

Testimony of the Honorable William H. Crawford.

I made no marks of any kind upon these papers, and know of no practice in the office which has ever authorized the marking of parts of original letters, in order that they may not be printed. No such practice has prevailed, within my knowledge. I have no recollection that any marks were made upon these papers, but have an indistinct recol-lection that Mr. Dickins stated something to me in relation to the correspondence with the Bank

of Missouri, which affected the receiver at that place. I gave no instructions to Mr. Dickins to mark any part of the papers; nor have I ever given him a general direction to mark any particular passages. There might have been marks and erasures in the documents submitted to me by Mr. Dickins, which escaped my notice, as my attention was more particularly directed to the contracts than the correspondence. In framing the report, my attention was not particularly attracted to the correspondence, as it contained nothing important for that purpose; the material facts being comprehended in the contracts and the statement furnished from the books kept by Mr. Dickins, which showed the amount deposited in those banks, and the sums paid by them. I have no recollection of the letter pasted over.

There is nothing in the paragraph suppressed which I should have wished to be withheld from the House. If I then knew any part of the correspondence had been marked, I do not now recollect it. I never sanctioned the omission of any part of the correspondence. Mr. Dickins is not the chief clerk; Mr. Jones is the chief clerk, and calls for records or files of the office are generally referred to him, with directions to examine and collect all that are embraced by such calls; but, in this case, I think Mr. Dickins was the person to whom the reference was made.

I never had any communication, direct or indirect, with Gales & Seaton, as to the manner in which they discharged their official duty, in this or any other case.

It is usual, when resolutions require information which the records or files of the office afford, to send copies; but when there is a press of business, the originals are sometimes sent, as in the present case.

The difference in the sum mentioned by the cashier of the Bank of Steubenville, and that in my letter of the 12th March, 1819, may be explained by referring to the original draught of that letter, now in possession of the committee. Owing to some differences with the officers of the United States Branch Bank at Pittsburg, the cashier, in his letter of 13th February, 1819, requested that the sum of $24,568 51, then in the possession of the Branch Bank, might be considered as due directly to the Treasury, and that it might not be collected through that office. The original draught of the letter, in the possession of the committee, directs that sum to be credited to the Treasurer on the books of the bank. Just before the date of that letter, the whole of the special deposite had been transferred to the Bank of Columbia. When my letter was carried out to be copied, Mr. Dickins, who keeps the bank accounts, came to me and stated that there was about $18,650 44 of the notes of the Bank of Steubenville in the possession of the Branch Bank at Chilicothe, and which had been also transferred to the Bank of Columbia, and proposed that the same direction should be given as to that sum; which I assented to, and directed my letter to be modified accordingly. The original letter, thus modified, was retained as a copy, and sent to the House with the report. This is the circumstance which produced the paragraph in the letter of the cashier, which was omitted in the printing of the letter, and which omission is now the subject of investigation.

G.

The testimony of Daniel P. Cook, of the House of Representatives.

When the report was sent to the House, I moved for its printing, and the whole of the documents. Mr. Taylor, of New York, moved a division of the question. The report itself was then ordered to be printed, and the motion to print the documents was laid upon the table. The documents were taken to the Clerk's office. I then went there, and found them yet sealed. In the presence of the Clerk and Mr. Dickins (who was waiting to make some correction, as I understood, in the report,) I broke the seal, and, finding the documents too numerous to read in any short time, I asked permission to take them away. It was granted, and I took them to my room, where I particularly examined those which referred to the Banks of Missouri and Vincennes. It was the abuses which I believed had taken place in relation to those banks that induced me to make the call.

I very slightly examined some other papers; some of them I did not look into at all. I brought the papers back to the House, either on Sunday or Monday, as I believe; and, after the report was printed and laid on the tables of the members, I moved to take up the motion to print the documents, which was agreed to, and they were ordered to be printed.

In the examination which I gave the papers before they were printed, I do not remember that I saw any marks on any of the papers, nor the paper pasted on one of the letters. That part of the correspondence, however, I feel quite sure I did not look into at all.

There was nothing in the information I had, which induced me to move the call, that led me to examine with any minuteness the affairs of the Steubenville Bank; but my impression is, that correspondence being in front of all others, that I did glance through it; and I think I read the letter A 5, but I have no recollection of seeing the pencil marks upon it at that time. The kind of examination I gave this part of the correspondence was such, however, that my attention might not have been fixed upon these marks; and this is the more probable, because I do not remember to have noticed the marks on the letter from the Bank of Missouri, which Mr. Dickins says was marked by him before the papers were sent to the House.

Messrs. Gales & Seaton had furnished me (I believe, at my request, though I am not certain,) with the different forms of the printing as they were struck off, and I read them as the printing went on. In reading that part which relates to the Bank of Vincennes, I was under an impression that a typographical error had been made in printing

the amount of money in the Vincennes Bank. In order to ascertain whether it was so, I sent for the original documents; and, when passing through the documents to get to those relating to that bank, my attention was first called to the pencil marks on A 5. After satisfying myself on the subject of the supposed error, I then adverted to the printed letter A 5, and found that that part of the letter over which the pencil marks were made was omitted; which was before my second call. I feel very certain that I did not make those marks, nor do I know when, where, or by whom, they were made. The particular character of the omitted passage induced me, some short time after, when in conversation on the subject of these bank transactions, to speak of it; and I think I am not mistaken in saying that I spoke of it in that way to the Hon. Hugh Nelson, a Representative from Virginia, and to Mr. Moore, of Alabama. I was not under the impression that the marks for omission were made by Gales & Seaton, and did not mention it to them; nor did I think the omission so important as to make any inquiry of the Secretary of the Treasury, or to make any motion or proposition in the House on the subject.

I was induced to make the second call, because the documents sent to the House, in answer to the first call, referred to several letters and documents which I thought ought to have been sent with them, but which were not; and because I believed that those letters would afford important light to show the motive of the connexion, in the manner in which it existed, between the Treasury Department and those banks. When the answer to the second call was sent to the House, I was, induced, for similar reasons, to make a third call, by a resolution, which was adopted on the last day of the session, but which remains unanswered.

I obtained a copy of letter A 5 during the present session, for prudential reasons, with which the honorable Mr. Edwards, of Connecticut, is acquainted, and which he will state to the committee. The copy was obtained on the 9th of the present month. I handed this letter to a friend, a member of Congress, whose name I decline stating. The copy went into the hands of several members of Congress, who wished to see it, with my consent. It was first handed to one of the gentlemen, who suggested the propriety of getting other members to inspect the original, or of obtaining a certified copy with a fac simile of the pencil marks, and which was to guard against the possible loss of the letter, and the consequent possibility of the fact of the omission resting upon my statement only.

I did not communicate the copy of this letter to the editor of the Washington Republican; nor did I make any of the communications signed A. B. in the Washington Republican; nor had I any agency in writing, or publishing, or causing to be written, either of those communications, unless the procurement of the copy, and permitting it to go into other hands, had that effect.

I know from information who the author is, but it was communicated to me in confidence, and I therefore decline giving his name. I did not derive this information from the person who I understood made the communication, but from another person. I understand they are not made by the person to whom I handed the copy of the letter. I am informed the communications are made by a member of Congress. I disclaim all agency in causing those publications to be made, other than such as I have mentioned; nor did I procure the copy of the letter for the purpose of publication, nor did I hand it over for that purpose.

I had a conversation with Mr. Agg, who is reporting the proceedings of Congress for the Washington Republican. The conversation was introduced by himself, and was confined to the fact of the omission in the printed letter A 5. I told him there was such omission. The conversation took place in the House of Representatives, and after I had obtained the copy of the letter from the Clerk. Mr. Agg seemed to be apprized of the existence of the copy, but he had not been apprized of it by me. This is the only conversation we ever had on this subject, and I think I have substantially repeated the whole of it. My attention, in examining the documents previous to their being printed, was principally confined to the amount of money in the Banks of Missouri and Vincennes, and the nature of the arrangements between them and the Treasury Department.

H.

Deposition of Mr. Edwards, of the committee.

Mr. Edwards, of the committee, states, that he was present when Mr. Cook made the statement that this paragraph was omitted, and deemed to be important.

He had seen the letter, and examined it; said it was marked so as to be omitted in the printing. Mr. Cook was then advised to get a certified copy, or get some members to examine it with him. Mr. Cook wished me to go with him. I intended to do so, but did not. Shortly after, Mr. Cook told me had got a copy of the letter. I think this was the —— January. The advice to Mr. Cook was, that he should get the copy to be able to justify himself.

I.

Roger C. Weightman's deposition.

I was for several (six or eight) years printer to Congress; and it was a common thing, from both Houses, to have original documents, parts of which were marked in the way in which several of these documents are; and had they been sent to me in the state this particular document is, I should, without hesitation, have omitted the paragraph. I should also have omitted other parts as they are marked, and those pasted over.

In such an office as Messrs. Gales & Seaton's, it is impossible for the editors to inspect the printing the documents. They must be confided to the foreman.

J.

Colonel Moore's (of the House of Representatives) deposition.

When the subject of the suppressed paragraph

was mentioned to me at this session, I then had an impression that it had been mentioned at the last. I cannot distinctly recollect having any particular conversation with Mr. Cook at the last session; but it is my impression that the intimation was made to me at the last session by Mr. Cook.

The suggestion was at this session, that the omission had been made by Gales & Seaton, through the influence of the Treasury Department.

I had a right to suppose that the intimation was made confidentially, though not expressly so told.

I do not feel authorized to name the person. He stated, at the same time, that the fact would be made known where the censure properly lay.

K.

Deposition of Matthew St. Clair Clarke, Clerk of the House of Representatives.

My attention was first called to the letter when the subject was first broached to the House. That was the day when the committee was appointed.

A few days after the session, I was called upon to certify the copy of a letter which I now find to be A 5. I was not applied to for it. Mr. Burch brought it to the desk, and I then certified it. Mr. Burch said, in reference to the copy, that the original was marked in the manner which the copy indicated.

PUBLIC ACTS OF CONGRESS;

PASSED AT THE SECOND SESSION OF THE SEVENTEENTH CONGRESS, BEGUN AND HELD AT THE CITY OF WASHINGTON, MONDAY, DECEMBER 2, 1822.

An Act authorizing an additional Naval Force for the suppression of piracy.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he hereby is, authorized to purchase or construct a sufficient number of vessels, in addition to those now employed, of such burden and construction as he may deem necessary, and to fit, equip, and man the same for immediate service, for the purpose of repressing piracy, and of affording effectual protection to the citizens and commerce of the United States in the Gulf of Mexico, and the seas and territories adjacent.

SEC. 2. *And be it further enacted*, That the sum of one hundred and sixty thousand dollars be appropriated to meet the expenditure to be incurred as aforesaid, and paid out of any money in the Treasury not otherwise appropriated.

JAMES MONROE.

Approved, December 20, 1822.

An Act concerning the apportionment of Representatives in the State of Alabama.

Be it enacted, &c., That, from and after the third day of March, one thousand eight hundred and twenty-three, the State of Alabama shall have three members in the House of Representatives, in the Congress of the United States, it appearing, from the returns of the marshal of Alabama, deposited in the office of the Secretary of State of the United States, that the said State of Alabama at the passage of the act, entitled "An act for the apportionment of Representatives among the several States, according to the fourth census," approved March seven, one thousand eight hundred and twenty-two, was entitled to the number of three Representatives, according to the population of the said State, and the ratio established by the said act.

Approved, January 14, 1823.

An Act to repeal part of an act passed by the State of Maryland, in the year one thousand seven hundred and eighty-four, and now in force in Georgetown, in the District of Columbia, entitled "An act for an addition to Georgetown, in Montgomery county."

Be it enacted, &c., That so much of the third section of an act of the General Assembly of the State of Maryland, entitled "An act for an addition to Georgetown, in Montgomery county," as prohibits the proprietors of the lots fronting on the north side of Water street, from selling or erecting buildings on the south side of said street, or on wharves made on the south side of the aforesaid street, be, and the same is hereby, repealed: *Provided*, That the proprietors aforesaid shall not have power to erect any building or buildings on the south side of said street, not authorized by an ordinance of the Corporation of Georgetown: *And provided, also*, That, after being thus authorized by the said Corporation, the proprietors aforesaid may sell and dispose of their property on either side of the said street, without affecting the title to that on the other side, as effectually as they could have done before the passage of the aforesaid act of Maryland.

Approved, January 14, 1823.

An Act making a partial appropriation for the support of Government for the year one thousand eight hundred and twenty-three.

Be it enacted, &c., That the sum of two hundred and sixty-five thousand one hundred and forty dollars be, and the same hereby is, appropriated, for the compensation granted by law to the Senate and House of Representatives; and that the same be paid out of any money in the Treasury not otherwise appropriated.

Approved, January 14, 1823.

An Act to continue the present mode of supplying the Army of the United States.

Be it enacted, &c., That the seventh, eighth, ninth, and tenth sections of the act, entitled "An act regulating the staff of the Army," passed April fourteenth, eighteen hundred and eighteen, be, and the same are hereby, continued in force for the term of five years, and until the end of the next session of Congress thereafter.

Approved, January 23, 1823.

An Act to enable the proprietors of lands held by titles derived from the United States to obtain copies of papers from the proper department, and to declare the effect of such copies.

Be it enacted, &c., That whenever any person claiming to be interested in, or entitled to land, under any grant or patent from the United States, shall apply to the Treasury Department for copies of papers filed and remaining therein, in any wise affecting the title to such land, it shall be the duty of the Secretary of the Treasury to cause

such copies to be made out and authenticated under his hand and seal, for the person so applying, and such copies, so authenticated, shall be evidence equally as the original papers.

Approved, January 23, 1823.

An Act in addition to "An act to continue in force 'An act to protect the commerce of the United States, and punish the crime of piracy, and also to make further provision for punishing the crime of piracy."

Be it enacted, &c., That the first, second, third, and fourth sections of an act, entitled "An act to protect the commerce of the United States, and punish the crime of piracy," passed on the third day of March, in the year of our Lord one thousand eight hundred and nineteen, be, and the same are hereby, continued in force, in all respects, as fully as if the said sections had been enacted without limitation, in the said act, or in the act to which this is an addition, and which was passed on the fifteenth day of May, in the year of our Lord one thousand eight hundred and twenty.

Approved, January 30, 1823.

An Act to provide for the appointment of an additional judge for the Michigan Territory, and for other purposes.

Be it enacted, &c., That there shall be appointed an additional judge for the Michigan Territory, who shall possess and exercise, within the counties of Michilimackinac, Brown, and Crawford, in the Territory aforesaid, as said counties are now defined and established, or may be hereafter defined and established, the jurisdiction and power heretofore possessed and exercised by the Supreme Court of the said Territory, and by the county courts of said counties respectively, within the said counties, and to the exclusion of the original jurisdiction of the said Supreme Court: and the jurisdiction of the said court, hereby established, shall be concurrent with the said county courts; but in all suits, either at law or in equity, appeals shall be allowed from the decisions of the said county courts to the courts established by this act, in the same manner as is provided for appeals from said courts to the Supreme Court of said Territory: *Provided, always*, That the said Supreme Court shall have full power and authority to issue writs of error to the court established by this act, in all civil causes, and to hear and determine the same when sitting as a Supreme Court of the Territory, according to the Constitution and laws of the United States, and to the statutes adopted and published by the Governor and Judges of said Territory: *And provided, also*, That nothing in this act contained shall be construed to give cognizance to the court hereby established, of cases of admiralty and maritime jurisdiction, nor of cases wherein the United States shall be plaintiffs, except as hereinafter mentioned.

Sec. 2. *And be it further enacted*, That the said Supreme Court are hereby authorized, upon the reversal of a judgment of the court established by this act, to render such judgment as the said court ought to have rendered or passed, except where the reversal is in favor of the plaintiff in the original suit, and the debt or damages to be assessed are uncertain: in which case the cause shall be remanded to the county from whence it came, in order to a final determination.

Sec. 3. *And be it further enacted*, That when any person, not being an executor or administrator, applies for a writ of error, such writ shall be no stay of proceedings in the court to which it issues, unless the plaintiff in error, his agent or attorney, shall give security, to be approved of by a judge of the said Supreme Court, which shall be certified on the back of such writ, that the plaintiff in error shall prosecute his writ to effect, and pay the condemnation money, and all costs, or otherwise abide the judgment of the court, if he fail to make his plea good; and no cause, except suits in equity, shall be removed to said Supreme Court from the court hereby established, but by writ of error, as herein before provided; and suits in equity may be removed by appeal, in the same manner as is provided for appeals from the county courts to the Supreme Court.

Sec. 4. *And be it further enacted*, That the court established by this act, shall hold one term in each of the counties aforesaid, yearly, at the following times and places, to wit: at Prairie du Chien, on the second Monday in May; at Green Bay, on the second Monday in June; and at Mackinac, on the third Monday in July, in each and every year; and shall then and there proceed to hear and determine the pleas, process, and proceedings, depending therein, in the same manner as the said Supreme or county courts might, or could have done, in case this act had not been passed; and the clerks of the said county courts, shall be clerks of the court, hereby established, in their respective counties, and shall be entitled to such fees for their services as may be allowed them by law; and the officers appointed to execute the process of the said county courts within the said counties, are hereby authorized and required to execute the process of the court hereby established.

Sec. 5. *And be it further enacted*, That the said court, hereby established, shall have and possess concurrent jurisdiction with the said Supreme Court, in and over all actions arising under the acts and laws in force, or which may be enacted, for the regulating trade and intercourse with the Indians, and over all crimes and offences which shall be committed within that part of the Indian country lying north and west of Lake Michigan, within the Territory of Michigan.

Sec. 6. *And be it further enacted*, That the judge to be appointed by virtue of this act shall reside in one of the counties aforesaid, and shall receive the same salary, and payable in the same manner, as is provided and established by law for the judges of the said Supreme Court of the Michigan Territory.

Sec. 7. *And be it further enacted*, That this act shall take effect, and be in force, from and after the twentieth day of March next.

Approved, January 30, 1823.

An Act concerning the disbursement of public money.

Be it enacted, &c., That, from and after the passing of this act, no advance of public money shall be made in any case whatever; but in all cases of contracts for the performance of any service, or the delivery of articles of any description, for the use of the United States, payment shall not exceed the value of the service rendered, or of the articles delivered previously to such payment: *Provided*, That it shall be lawful, under the special direction of the President of the United States, to make such advances to the disbursing officers of the Government as may be necessary to the faithful and prompt discharge of their respective duties, and to the fulfilment of the public engagements: *And provided, also*, That the President of the United States may direct such advances, as he may deem necessary and proper, to such persons in the military and naval service as may be employed on distant stations, where the discharge of the pay and emoluments to which they may be entitled cannot be regularly effected.

Sec. 2. *And be it further enacted*, That every officer or agent of the United States, who shall receive public money which he is not authorized to retain, a salary, pay, or emolument, shall render his accounts quarter yearly to the proper accounting officers of the Treasury, with the vouchers necessary to the correct and prompt settlement thereof, within three months, at least, after the expiration of each successive quarter, if resident within the United States, and within six months if resident in a foreign country: *Provided*, That nothing herein contained shall be construed to restrain the Secretaries of any of the Departments from requiring such returns from any officer or agent, subject to the control of such Secretaries, as the public interest may require.

Sec. 3. *And be it further enacted*, That every officer or agent of the United States who shall offend against the provisions of the preceding sections, shall, by the officer charged with the direction of the Department to which such offending officer is responsible, be promptly reported to the President of the United States, and dismissed from the public service: *Provided*, That in all cases where any officer, in default as aforesaid, shall account to the satisfaction of the President for such default, he may be continued in office, any thing in the foregoing provision to the contrary notwithstanding.

Sec. 4. *And be it further enacted*, That no security given to, or obligation entered into with, the Government, shall be in anywise impaired, by the dismissing any officer, or from failure of the President to dismiss any officer coming under the provisions of this act.

Approved, January 31, 1823.

An Act to revive and continue in force certain acts for the adjustment of land claims in the Territory of Michigan.

Be it enacted, &c., That the act entitled "An act to revive the powers of the commissioners for ascertaining and deciding on claims to land in the district of Detroit, and for settling the claims to land at Green Bay and Prairie du Chien, in the Territory of Michigan," approved May the eleventh, one thousand eight hundred and twenty, shall be, and the same is hereby, revived, and shall continue in force until the first day of November next; and it shall be the duty of the said commissioners, as soon thereafter as may be, to forward their report, as is required by the second section of said act, to the Secretary of the Treasury, to be by him laid before Congress at its next session.

Sec. 2. *And be it further enacted*, That the second section of the act, entitled "An act to authorize the granting of patents for land according to the surveys that have been made, and to grant donation rights to certain claimants of land in the district of Detroit, and for other purposes," approved April twenty-third, one thousand eight hundred and twelve, shall be so construed as to embrace all persons who have claims confirmed below Milk River Point, at the lower end of Lake St. Clair.

Sec. 3. *And be it further enacted*, That patents shall, and they are hereby directed to, be issued, in the mode pointed out by law in other cases, to persons whose claims to lands, town or village lots, have been regularly filed with the commissioners appointed by an act, entitled "An act to revive the powers of the commissioners for ascertaining and deciding on claims to land in the district of Detroit, and for settling the claims to land at Green Bay and Prairie du Chien, in the Territory of Michigan," passed on the eleventh day of May, one thousand eight hundred and twenty, and whose claims are contained in the report transmitted to the Secretary of the Treasury, and which have been reported favorably on by said commissioners; and such persons are hereby confirmed in their claims, agreeably to any surveys heretofore made, or the lines and boundaries established by the claimants respectively: *Provided*, That such confirmations shall only amount to a relinquishment forever, on the part of the United States, and that not more than six hundred and forty acres shall be confirmed by virtue of any one claim; nor shall more be confirmed, in any case, than the quantity claimed; nor shall any claim extend in width more than forty, nor in depth more than eighty, arpents; nor to land heretofore, and now, reserved by the United States for public uses.

Sec. 4. *And be it further enacted*, That, wherever it shall appear to the said commissioners that any claimant to land, or a town or village lot, at Green Bay or Prairie du Chien, cannot establish his, her, or their, claim to the same, in consequence of his, her, or their, removal therefrom, by any officer of the United States Army, it shall be the duty of the said commissioners to issue a certificate to such person or persons, for any tract of land, or village lot, which may have been occupied by him, her, or them, after such removal, not exceeding, in quantity, that originally claimed; on which certificates patents shall issue, as in other cases; which claims shall be, in all other

respects, subject to the restrictions and provisions of the third section of this act.

SEC. 5. *And be it further enacted*, That every person who, on the first day of July, one thousand eight hundred and twelve, was a resident of Green Bay, Prairie du Chien, or within the county of Michilimackinac, and who, on the said day, occupied and cultivated, or occupied a tract of land which had previously been cultivated by said occupant, lying within either of said settlements, and who has continued to submit to the authority of the United States, or to the legal representatives of every such person, shall be confirmed in the tract so occupied and cultivated; and the said commissioners, in adjudicating on claims to land embraced by this act, are authorized to take into their consideration the evidence and facts collected and reported to them by the agents of the United States, pursuant to the provisions of the act of the eleventh of May, one thousand eight hundred and twenty, as well as such other and further evidence and testimony as may or shall be exhibited before them by the claimants, to support their claims. And the register of the land office at Detroit is authorized and required to receive and record all notices and claims to lands provided for by this act, and which shall be exhibited to him on or before the first day of October next: *Provided, however*, That no person shall be confirmed in a greater quantity than six hundred and forty acres; nor shall any tract, so confirmed, exceed eighty arpents from front to rear. And it shall be the duty of the Surveyor General of the United States, under the direction of the Secretary of the Treasury, to cause the land confirmed by this act to be surveyed, at the expense of the claimants, respectively; plats of which shall be returned, as in other cases, and patents therefor shall be granted to the several claimants in the manner prescribed by law.

SEC. 6. *And be it further enacted*, That the Secretary of the Treasury shall be, and he is hereby, authorized to allow to the former agent, and to each of the persons whose duty it is made to carry this law into effect, such sum, in addition to the sum allowed by the first recited act, as he may deem just and reasonable.

Approved, February 21, 1823.

An Act to divide the State of South Carolina into two judicial districts.

Be it enacted, &c., That the State of South Carolina be, and the same is hereby, divided into two districts, in manner following, that is to say: the districts of Lancaster, Chester, York, Union, Spartanburg, Greenville, Pendleton, Abbeville, Edgefield, Newbury, Laurens, and Fairfield, shall compose one district, to be called the western district; and the residue of the State shall form one other district, to be called the eastern district. And the terms of the said district court, for the eastern district, shall be held in Charleston, at such times as they are now by law directed to be holden. And for the trial of all such criminal and civil causes, as are by law cognizable in the district courts of the United States, which may hereafter arise or be prosecuted, or sued, within the said western district, there shall be one annual session of the said district court holden at Laurens courthouse, to begin on the second Monday in May in each year; to be holden by the district judge of the United States of the State of South Carolina; and he is hereby authorized and directed to hold such other special sessions as may be necessary for the despatch of the causes in the said court at such time or times as he may deem expedient, and may adjourn such special sessions to any other time previous to a stated session.

Approved, February 21, 1823.

An Act to provide for the settlement of the accounts of Daniel D. Tompkins, late Governor of the State of New York.

Be it enacted, &c., That the proper accounting officers of the Treasury be, and they are hereby, authorized to adjust and settle the accounts and claims of Daniel D. Tompkins, late Governor of the State of New York, on principles of equity and justice, subject to the revision and final decision of the President of the United States.

SEC. 2. *And be it further enacted*, That nothing contained in the second section of the act, entitled "An act making appropriations for the support of Government for the year one thousand eight hundred and twenty-two, and for other purposes," passed April twentieth, [thirtieth] one thousand eight hundred and twenty-two, shall be construed to extend or apply to the said Daniel D. Tompkins.

Approved, February 21, 1823.

An Act to extend the charter of the Mechanics' Bank of Alexandria, in the District of Columbia.

Be it enacted, &c., That the act incorporating the Mechanics' Bank of Alexandria, in the District of Columbia, be, and the same is hereby, extended and limited to the third day of March, one thousand eight hundred and thirty-six, under and subject to all the limitations, modifications, and conditions, as are enacted and applied to the other incorporated banks in the District of Columbia, by an act, entitled "An act to extend the charters of certain banks in the District of Columbia," which passed the second day of March, one thousand eight hundred and twenty-one.

SEC. 2. *And be it further enacted*, That, if any stockholder or stockholders in said bank, who have not assented to the renewal of the said charter, shall, within two months from the passing of this act, file his or their declaration, in writing, in the said bank, declaring himself or themselves dissatisfied with said renewal, and his or their determination to withdraw his or their interest from the same; and if the said bank cannot agree with such stockholder or stockholders on the amount of such interest, and shall not forthwith pay the same, then it shall be lawful for the circuit court of the District of Columbia, at Alexandria, on the petition in writing of such stockholder or stockholders, to appoint three commissioners, whose duty it shall be to ascertain the value of the interest of

such stockholder or stockholders in said bank, for which purpose such commissioners shall, under the direction of said court, have access to the books, papers, and accounts of said bank, and on the report of said commissioners, and such other evidence as may be laid before the said court, shall proceed to ascertain the value of the interest of such stockholder or stockholders in said bank, and shall adjudge and decree the value, so ascertained, to be paid to him, or them by the said bank, and shall have power to enforce judgment or decree, by execution, attachment, or other legal process.

SEC. 3. *And be it further enacted*, That this act be, and the same is hereby declared to be, a public act, and that so much and such parts of the act incorporating the said Mechanics' Bank of Alexandria, as may be repugnant to this act, be, and the same is hereby, repealed and annulled.

Approved, February 21, 1823.

An Act supplementary to the several acts for the adjustment of land claims in the State of Louisiana.

Be it enacted, &c., That the claims for lands within the eastern district of the State of Louisiana, described by the register of the land office of the said district, in his report to the Secretary of the Treasury, bearing date the sixth of January, one thousand eight hundred and twenty-one, be, and the same are hereby, confirmed, against any claim on the part of the United States.

SEC. 2. *And be it further enacted*, That the claims for lands within the district north of Red river, in the State of Louisiana, described by the register of the land office of the said district, in his report to the Secretary of the Treasury, bearing date the first January, one thousand eight hundred and twenty-one, and included in the first, second, and third classes of claims, be, and the same are hereby, confirmed against any claim on the part of the United States, with the exception of the claims numbered forty and fifty-one in the first class, and of the claims numbered forty-four, forty-five, forty-six, forty-seven, and forty-eight, in the said first class, (which are included in the claim of Baron Bastrop.)

Approved, February 28, 1823.

An Act for laying out and making a road, from the Lower Rapids of the Miami of Lake Erie to the Western Boundary of the Connecticut Western Reserve, in the State of Ohio, agreeable to the provisions of the Treaty of Brownstown.

Be it enacted, &c., That the State of Ohio is hereby authorized to lay out, open, and construct, a road, from the Lower Rapids of the Miami of the Lake Erie, to the western boundary of the Connecticut Western Reserve, in such manner as the legislature of said State may by law provide, with the approbation of the President of the United States; which road, when constructed, shall forever remain a public highway.

SEC. 2. *And be it further enacted*, That, in order to enable the State of Ohio to open and construct said road, a tract of land, one hundred and twenty feet wide, whereon to locate the same, together with a quantity of land equal to one mile on each side thereof, and adjoining thereto, to be bounded by sectional lines as run by the United States, to defray the expenses of making said road, is hereby granted to said State; to commence at the Miami Rapids, and terminate at the Western Boundary of the Connecticut Western Reserve, with full power and authority to sell and convey the same, and apply the proceeds to the making said road: and in case the said tract of land shall sell for a greater sum than shall be sufficient to complete such road, then the residue thereof shall remain with the State of Ohio, as a fund for the purpose of keeping said road in repair: *Provided*, That said road shall be made within the term of four years from the passage of this act: *And provided*, None of the land hereby appropriated for making said road shall be sold for a less price than one dollar and twenty-five cents per acre.

SEC. 3. *And be it further enacted*, That, in case any of the lands, through which it may be thought expedient to open said road, may have been previously sold by the United States, the Secretary of the Treasury is hereby directed to pay such officer as the State of Ohio may appoint for that purpose, the net proceeds of the sales of the quantity thus sold at a minimum price.

SEC. 4. *And be it further enacted*, That, whenever the Governor of the State of Ohio, shall have laid before the President of the United States a survey of the location of said road, accompanied by an act of said State, accepting said trust, and providing for making said road within the time above limited, and the President shall have approved the same, then the right of the State to the said tract of land shall be considered as complete for the purposes aforesaid: and the President shall direct, that, until the first day in June, one thousand eight hundred and twenty-three, none of the public lands shall be sold, within three miles on each side of a line, to be drawn direct from the foot of the rapids of the Miami of Lake Erie, to the Lower Rapids of Sandusky, thence to the Western Boundary of the Connecticut Western Reserve: *Provided*, That nothing in this act contained shall ever hereafter be construed to imply any obligation upon the United States to grant additional lands, or further aids of any sort, towards the opening, making, or keeping in repair, of the road aforesaid.

Approved, February 28, 1823.

An Act to revive, and to continue in force, the seventh section of an act, entitled "An act, supplementary to the several acts for the adjustment of land claims in the State of Louisiana," approved the eleventh May, eighteen hundred and twenty, and for other purposes.

Be it enacted, &c., That the seventh section of an act, entitled "An act supplementary to the several acts for the adjustment of land claims in the State of Louisiana," approved the eleventh of May, one thousand eight hundred and twenty, in relation to back concessions, be, and the same is hereby, revived and continued in full force and

effect, for the term of eighteen months, from and after the passage of this act.

SEC. 2. *And be it further enacted*, That so much of the lot of land on which is situated the navy storehouse, in New Orleans, as may be necessary to continue the street, now commenced, leading from Condi Street to Market Hall, is hereby granted to, and vested in, the Corporation of the City of New Orleans, for the purpose of continuing the said street.

Approved, February 28, 1823.

An Act to repeal so much of an act, passed the eighteenth April, one thousand eight hundred and six, as limits the price of certain lands in the State of Tennessee.

Be it enacted, &c., That so much of an act, passed the eighteenth day of April, one thousand eight hundred and six, entitled "An act to authorize the State of Tennessee to issue grants and perfect titles to certain lands therein described, and to settle the claims to the vacant and unappropriated lands within the same," which provides "that the lowest price of all lands granted or sold within the ceded territory shall be the same as shall be established by Congress, for the lands of the United States," be, and the same is hereby, repeated; and the Legislature of the State of Tennessee are authorized and empowered to affix such price to the lands in said ceded territory, as, in their discretion, may be deemed right and proper; any thing in said act of the eighteenth of April, one thousand eight hundred and six, to the contrary notwithstanding.

Approved, February 28, 1823.

An Act appropriating money for the purpose of repairing the public road from Cumberland to Wheeling.

Be it enacted, &c., That the sum of twenty-five thousand dollars, of moneys in the Treasury, not otherwise appropriated, be, and the same is hereby, appropriated for the purpose of repairing and improving the public road from Cumberland to Wheeling, under the direction of the President of the United States.

SEC. 2. *And be it further enacted*, That, for the faithful and speedy accomplishment of this object, the President, with the advice of the Senate, shall appoint some fit person as superintendent of the said road, whose duty it shall be, with all practicable despatch, to contract for, and personally superintend, the execution of the repairs and improvements which shall be deemed necessary on the said road, as well as to receive, disburse, and faithfully account with the Treasury for, the sums of money which may be received by him in virtue of this act.

SEC. 3. *And be it further enacted*, That the superintendent, so to be appointed, shall, before he enters upon the discharge of the duties enjoined by this act, execute bond, to the United States, with security, to be approved of by the Secretary of the Treasury, conditioned for the faithful discharge of his duties, enjoined by this act; he shall hold his office during the pleasure of the President, and shall receive, as a compensation for his services, the sum of three dollars per day, during the time he may be employed in the discharge of the duties enjoined by this act.

Approved, February 28, 1823.

An Act supplementary to and to amend an act, entitled "An act to regulate the collection of duties on imports and tonnage," passed second March, one thousand seven hundred and ninety-nine, and for other purposes.

Be it enacted, &c., That, from and after the third day of March next, no goods, wares, or merchandise, subject to ad valorem duty, and imported into the United States, shall be admitted to an entry, unless the true invoice of the same be presented to the collector at the time of entry, or unless the same be admitted in the mode authorized and prescribed in the next ensuing section of this act: *Provided*, That this prohibition shall not extend to such goods, wares, or merchandise, as shall have been taken from a wreck.

SEC. 2. *And be it further enacted*, That when no invoice has been received for any goods, wares, or merchandise, imported and subject to ad valorem duty as aforesaid, the owner, importer, consignee, or agent, shall make oath of the same, and the collector of the port shall be, and he is hereby, authorized, if in his judgment the circumstances under which such goods, wares, or merchandise shall have been imported, or any other circumstance connected therewith, render it expedient to admit the same to an entry, on an appraisement thereof, duly made, in the manner hereinafter prescribed: *Provided*, That the owner, importer, consignee, or agent, of such goods, wares, or merchandise, shall, previous to such entry, give bond with sufficient sureties, to the United States, to produce to such collector the invoice of the same within eight months from the time of entry, if the same were imported from any port or place on this side, and within eighteen months, if from any port or place beyond the Cape of Good Hope or Cape Horn, or from the Cape of Good Hope, and to pay any amount of duty to which it may appear by such invoice, the said goods, wares, or merchandise, were subject, over and above the amount of duties estimated on the said appraisement.

SEC. 3. *And be it further enacted*, That when goods, wares, or merchandise, imported into the United States, shall not have been entered in pursuance of the provisions of this or any other act regulating imports and tonnage, the same shall be deposited, according to existing laws, in the public warehouse, and shall there remain, at the expense and risk of the owner, until such invoice be produced: *Provided, however*, That, when the said goods, wares, or merchandise, shall have remained in the public warehouse nine months, if imported from any port or place on this side, and eighteen months, if from any port or place beyond the Cape of Good Hope, or Cape Horn, or from the Cape of Good Hope, and no invoice shall be produced, then the said goods, wares, and merchandise, shall be appraised, and the duties estimated

thereon in the manner hereinafter directed: *Provided, also,* That nothing herein contained shall be understood to prohibit the sale of such quantities of goods, stored as aforesaid, as may be necessary to discharge the duties thereon, and all intervening charges, at the time or times when such duties shall become due and payable: *And provided further,* That the collector be, and he is hereby, authorized to direct an earlier sale of articles of a perishable nature, and of such as may be liable to waste; first giving such notice of the sale as circumstances may admit, by public advertisement, in one or more papers, at or nearest to the port where such sale may be had; which said articles the collector shall previously cause to be appraised, and the duties estimated thereon, in the manner hereinafter directed; and the proceeds of such sale shall be disposed of at the expiration of the said periods of nine and eighteen months, respectively, as the case may be, in the manner prescribed by the fifty-sixth section of the act regulating the collection of duties on imports and tonnage, passed the second day of March, one thousand seven hundred and ninety-nine: *Provided, also,* That nothing in this section shall be construed to affect the cases contemplated by the fifty-sixth section of the act regulating the collection of duties on imports and tonnage, passed the second of March, one thousand seven hundred and ninety-nine.

SEC. 4. *And be it further enacted,* That, in all cases where goods, wares, or merchandise, shall have been imported into the United States, and shall be entered by invoice, one of the following oaths, according to the nature of the case, shall be administered by the collector of the port at the time of entry, to the owner, importer, consignee, or agent, in lieu of the oath now prescribed by law in such case:

Consignee, Importer, or Agent's oath.

I, ——, do solemnly and truly swear or affirm that the invoice and bill of lading now presented by me to the collector of ——, are the true and only invoice and bill of lading by me received, of all the goods, wares, and merchandise, imported in the ——, whereof —— is master, from ——, for account of any person whomsoever, for whom I am authorized to enter the same; that the said invoice and bill of lading are in the state in which they were actually received by me, and that I do not know nor believe in the existence of any other invoice, or bill of lading of the said goods, wares, and merchandise; that the entry now delivered to the collector, contains a just and true account of the said goods, wares, and merchandise, according to the said invoice and bill of lading; that nothing has been, on my part, nor to my knowledge, on the part of any other person, concealed or expressed, whereby the United States may be defrauded of any part of the duty lawfully due on the said goods, wares, and merchandise, and that if, at any time hereafter, I discover any error in the said invoice, or in the account now rendered of the said goods, wares, and merchandise, or receive any other invoice of the same, I will immediately make the same known to the collector of this district. And I do further solemnly and truly (swear or affirm) that, to the best of my knowledge and belief, [insert the name and residence of the owner or owners, is or are,] of the goods, wares, and merchandise, mentioned in the annexed entry; that the invoice now produced by me exhibits the actual cost, (if purchased,) or fair market value, (if otherwise obtained,) at the time or times, and place or places, when and where procured, (as the case may be,) of the said goods, wares, and merchandise, all the charges thereon, and no other or different discount, bounty, or drawback, but such as has been actually allowed on the same.

Owner's oath, in cases where goods, wares, or merchandise, have been actually purchased.

I, ——, do solemnly and truly swear or affirm that the entry now delivered by me to the collector of ——, contains a just and true account of all the goods, wares, and merchandise, imported by or consigned to me, in the ——, whereof —— is master, from ——; that the invoice which I now produce contains a just and faithful account of the actual cost of the said goods, wares, and merchandise, of all charges thereon, including charges of purchasing, carriages, bleaching, dyeing, dressing, finishing, putting up, and packing, and no other discount, drawback, or bounty, but such as has been actually allowed on the same; that I do not know nor believe in the existence of any invoice or bill of lading other than those now produced by me, and that they are in the state in which I actually received them. And I do further solemnly and truly swear or affirm that I have not, in the said entry or invoice, concealed or suppressed any thing whereby the United States may be defrauded of any part of the duty lawfully due on the said goods, wares, and merchandise; and that if, at any time hereafter, I discover any error in the said invoice, or in the account now produced, of the said goods, wares, and merchandise, or receive any other invoice of the same, I will immediately make the same known to the collector of this district.

Manufacturer's or Owner's oath, in cases where goods, wares, or merchandise, have not been actually purchased.

I, ——, do solemnly and truly swear or affirm that the entry now delivered by me to the collector of ——, contains a just and true account of all the goods, wares, and merchandise, imported by or consigned to me, in the ——, whereof —— is master, from ——; that the said goods, wares, and merchandise, were not actually bought by me, or by my agent, in the ordinary mode of bargain and sale, but that, nevertheless, the invoice which I now produce, contains a just and faithful valuation of the same, at their fair market value, including charges of purchasing, carriages, bleaching, dyeing, dressing, finishing, putting up, and packing, at the time or times, and place or places when and where procured for my account, (or for account of myself and partners;) that the said invoice contains also a just and faithful account of

all charges actually paid, and no other discount, drawback, or bounty, but such as has been actually allowed on the said goods, wares, and merchandise; that I do not know, nor believe in the existence, of any invoice or bill of lading, other than those now produced by me, and that they are in the state in which I actually received them. And I do further solemnly and truly swear or affirm that I have not, in the said entry or invoice, concealed or suppressed any thing whereby the United States may be defrauded of any part of the duty lawfully due on the said goods, wares, and merchandise, and that if, at any time hereafter, I discover any error in the said invoice, or in the account now produced, of the said goods, wares, and merchandise, or receive any other invoice of the same, I will immediately make the same known to the collector of this district.

SEC. 5. *And be it further enacted*, That the ad valorem rates of duty upon goods, wares, and merchandise, shall be estimated in the manner following; to the actual cost, if the same shall have been actually purchased, or the actual value, if the same shall have been procured otherwise than by purchase, at the time and place, when and where purchased or otherwise procured, or to the appraised value, if appraised, except in cases where goods are subjected to the penalty provided for in the thirteenth section of this act, shall be added all charges, except insurance; and, also, twenty per centum on the said cost or value and charges, if imported from the Cape of Good Hope, or any place beyond that, or from beyond Cape Horn, or ten per centum if from any other place or country; and the said rates of duty shall be estimated on such aggregate amount: *Provided*, That in all cases where any goods, wares, and merchandise, subject to ad valorem duty, shall have been imported from a country other than that in which the same were manufactured or produced, the appraisers shall value the same at the current value at the time of exportation, in the country where the same may have been originally manufactured or produced.

SEC. 6. *And be it further enacted*, That no goods, wares, or merchandise, imported into the United States, subject to ad valorem duty, and belonging to a person or persons residing in the United States, but who shall, at the time, be absent from the place where the same are intended to be entered, shall be admitted to an entry, unless the importer, consignee, or agent, shall previously give bond, the form of which shall be prescribed by the Secretary of the Treasury, with sufficient sureties, to produce, within four months, to the collector of the port where the said goods, wares, or merchandise may be, the invoice of the same duly verified, according to the circumstances of the case, by the oath of the said owner, or one of the owners, as prescribed in the fourth section of this act; which oath shall be administered by a collector of the United States, if there be any in the place where the said owner or owners may be; or if there be none, by some public officer duly authorized to administer oaths.

SEC. 7. *And be it further enacted*, That no goods, wares, or merchandise, subject to ad valorem duty, imported as aforesaid, and belonging to a person or persons not residing at the time in the United States, and who shall have actually purchased the same, shall be admitted to entry, unless the invoice be verified by the oath of the owner, or one of the owners, certifying that the said goods, wares, or merchandise, were actually purchased for his account, or for account of himself and partners in the said purchase; that the invoice annexed thereto contains a true and faithful account of the actual cost thereof, and of all charges thereon, and that no discounts, bounties, or drawbacks, are contained in the said invoice, but such as have been actually allowed on the same; which said oath shall be administered by a consul or commercial agent of the United States; or by some public officer duly authorized to administer oaths in the country where the said goods, wares, or merchandise, shall have been purchased, and the same duly certified by the said consul, commercial agent, or public officer; in which latter case, such official certificate shall be authenticated by a consul or commercial agent of the United States: *Provided*, That if there be no consul or commercial agent of the United States in the country from which the said goods, wares, or merchandise, shall have been imported, the authentication hereby required shall be executed by a consul of a nation at the time in amity with the United States, if there be any such residing there; and if there be no such consul in the country, the said authentication shall be made by two respectable merchants, if any such there be, residing in the port from which the said goods, wares, or merchandise, shall have been imported.

SEC. 8. *And be it further enacted*, That no goods, wares, or merchandise, subject to ad valorem duty, imported as aforesaid, and belonging to a person or persons not residing at the time in the United States, who may not have acquired the same in the ordinary mode of bargain and sale, or belonging to a person or persons who may be the manufacturer or manufacturers, in whole or in part, of the same, shall be admitted to entry, unless the invoice thereof be verified by the oath of the owner, or of one of the owners, certifying that the invoice contains a true and faithful account of the said goods, wares, or merchandise, at their fair market value at the time and place when and where the same were procured or manufactured, as the case may be, and of all charges thereon; and that the said invoice contains no discounts, bounties, or drawbacks, but such as have been actually allowed; which said oath shall have been duly administered and authenticated in the mode prescribed in the seventh section of this act.

SEC. 9. *And be it further enacted*, That in all cases where goods, wares, or merchandise, subject to ad valorem duty, imported as aforesaid, shall belong to the estates of deceased persons or of persons insolvent, who shall have assigned the same for the benefit of their creditors, the oaths required by the fourth, seventh, and eighth sections of this act, may be administered to the executor, administrator, or assignees, of such persons, in the man-

ner prescribed by this act, according to the nature of the case.

SEC. 10. *And be it further enacted*, That in all cases where goods, wares, or merchandise, subject to ad valorem duty, imported as aforesaid, and belonging to a person or persons not residing in the United States, shall not be accompanied with an invoice verified by oath, and authenticated as required by the seventh, eighth, and ninth sections of this act, as the case may be; or where it shall not be practicable to make such oath, or there shall be an immaterial informality in the oath or authentication so required, or where the collector of the port at which the said goods, wares, or merchandise shall be, shall have certified his opinion to the Secretary of the Treasury that no fraud was intended in the invoice of said goods, wares, or merchandise, the Secretary of the Treasury shall be, and he is hereby, authorized, if he shall deem it expedient, to admit the same to an entry: *Provided*, That the consignee, importer, or agent, shall, previous to such entry, give bond, the form whereof shall be prescribed by the Secretary of the Treasury, with sufficient sureties, to produce the invoice, if the same be practicable, sworn to and authenticated as may be required by this act, according to the nature of the case, and in the time and mode prescribed in the second section of this act, in cases where no invoice has been received: *And provided, always*, That the Secretary of the Treasury shall in no case admit any goods, wares, or merchandise, to an entry, where there is just ground to suspect that a fraud on the revenue is intended.

SEC. 11. *And be it further enacted*, That in all cases where goods, wares, or merchandise, subject to ad valorem duty, imported as aforesaid, shall belong in part to a person or persons residing in the United States, and in part to a person or persons residing out of the United States, the oath of one of the owners, residing in the United States, shall be sufficient to admit the same to an entry according to the provisions of this act: *But it is expressly provided*, That, in all cases where the goods, wares, or merchandise shall have been manufactured, in whole or in part, by any one of the owners residing out of the United States, the same shall not be so admitted to an entry, unless the invoice shall have been verified and authenticated by such manufacturer in the manner prescribed in the eighth section of this act.

SEC. 12. *And be it further enacted*, That, whenever the invoice of goods, wares, or merchandise, subject to ad valorem duty, imported as aforesaid, and belonging to a person or persons non-residing in the United States, shall not have been duly verified and authenticated, and, upon application to the Secretary of the Treasury, according to the tenth section of this act, the said goods, wares, or merchandise, shall have been refused an entry, the same shall be deemed suspected, and shall be liable to the same additions and penalties as are provided in the case of fraudulent invoices in the following section.

SEC. 13. *And be it further enacted*, That whenever, in the opinion of the collector, there shall be just grounds to suspect that goods, wares, or merchandise, subject to ad valorem duty and imported into his district, have been invoiced below their true value, in the place or country from whence they were imported or originally procured, as the case may be, as prescribed in the fifth section of this act, such collector shall direct the same to be appraised in the manner prescribed by this act; and if the value at which the same shall be so appraised shall exceed by twenty-five per centum the invoice prices thereof, then in addition to the ten or twenty per centum, as the case may be, laid upon correct and regular invoices, according to law, there shall be added fifty per centum on the appraised value; on which aggregate amount the duties on such goods, wares, or merchandise, shall be estimated: *Provided*, That nothing herein contained shall be construed to impose the said penalty of fifty per centum for a variance between the bona fide invoice of goods, produced in the manner specified in the proviso in the fifth section of this act, and the current value of the said merchandise in the country where the same may have been originally manufactured or produced.

SEC. 14. *And be it further enacted*, That, in all cases where the appraised value of any goods, wares, or merchandise, appraised under this or any other act concerning imports and tonnage, shall exceed by less than twenty-five per centum the invoice value thereof, such appraised value shall be considered the true value of such goods, wares, or merchandise, upon which the duty shall be charged, with the addition of such per centum as may be by law required: *Provided*, That, in no case, shall the duty be estimated on an amount less than the invoice value with the addition by law required.

SEC. 15. *And be it further enacted*, That the collectors of the revenue shall cause at least one package out of every invoice, and one package, at least, out of every twenty packages of each invoice of goods, wares, or merchandise, imported into their respective districts, which package or packages he shall have first designated on the invoice, to be opened and examined; and if the same be found not to correspond with the invoice thereof, or to be falsely charged in such invoice, a full inspection of all such goods, wares, or merchandise, as may be included in the same entry, shall be made; and in case such goods, wares, or merchandise, be subject to ad valorem duty, the same shall be appraised, and subjected to the penalties provided in the thirteenth section in the case of suspected or fraudulent invoices; and in every case, whether such goods, wares, or merchandise, be subject to ad valorem or specific duty, if any package be found to contain any article not described in the invoice, the whole package shall be forfeited: *Provided*, That the Secretary of the Treasury be and he is hereby authorized to remit the said forfeiture, if in his opinion the said article was put in by mistake, or without any intention to defraud the revenue.

SEC. 16. *And be it further enacted*, That, for the appraisement of goods, wares, or merchandise, required by this or any other act concerning im-

ports and tonnage, the President of the United States shall, by and with the advice and consent of the Senate, appoint in each of the ports of Boston, New York, Philadelphia, Baltimore, Charleston, Savannah, and New Orleans, two persons well qualified to perform that duty, who, before they enter thereon, shall severally make oath diligently and faithfully to examine and inspect such goods, wares, or merchandise, as the collector may direct, and truly to report, to the best of their knowledge and belief, the true value thereof, according to the provisions of the fifth section of this act; and when any appraisement is to be made in any port other than those above named, the collector shall appoint two respectable resident merchants, who, after having taken the oath required by this section, shall be the appraisers; and the Secretary of the Treasury shall have authority to direct the appraisers for any collection district to attend in any other collection district, for the purpose of appraising any goods, wares, or merchandise, imported therein; and the President of the United States is hereby authorized, in the recess of the Senate, to appoint the appraisers for the ports provided for in this section, which appointments shall continue in force until the end of the session of Congress thereafter.

Sec. 17. *And be it further enacted*, That each of the appraisers who may be appointed under the sixteenth section of this act, for the ports of New Orleans, Savannah, Charleston, Baltimore, Philadelphia, and Boston, shall each receive as a compensation for his services fifteen hundred dollars per annum; and the appraisers for the port of New York shall each receive two thousand dollars per annum; and the merchants who may be appointed to act as appraisers under this act shall receive for their services, while actually employed on that duty, each, a compensation of five dollars per diem; and whenever the appraisers appointed under the sixteenth section of this act attend in any district other than that in which they reside, for the purpose of appraising any goods, wares, or merchandise, they shall respectively receive at the rate of five dollars for every twenty-five miles in going to or returning from such district, in addition to the salary or pay provided for in this section.

Sec. 18. *And be it further enacted*, That, in all cases where the owner, consignee, importer, or agent, shall be dissatisfied with the appraisement of any goods, wares, or merchandise, made by the appraisers appointed under the sixteenth section of this act, it shall be lawful for him to employ, at his own expense, two respectable resident merchants, who, after being duly qualified, according to the sixteenth section of this act, shall, together with the two appraisers appointed on the part of the United States, under this act, examine and inspect the goods, wares, or merchandise, in question; and, after such examination and inspection, they shall report the value thereof, if they agree therein, and, if not, the circumstances of their disagreement, to the collector; and in case such owner, consignee, importer, or agent, shall be dissatisfied with such report and second appraisement, it shall be lawful for him to refer the case to the Secretary of the Treasury, who shall be, and is hereby, authorized and empowered to decide thereon, or to require further testimony in the case, in such manner as he may deem proper, and to order the said goods, wares, or merchandise, to be entered accordingly.

Sec. 19. *And be it further enacted*, That any merchant, who shall be chosen by the collector, or by the party in interest, to make any appraisement required under this or any other act respecting imports and tonnage, and who shall, after due notice of such choice has been given to him in writing, decline or neglect to assist at such appraisement, shall be subject to a penalty not exceeding fifty dollars, and to the costs of prosecution therefor.

Sec. 20. *And be it further enacted*, That one half of the excess of duty accruing in consequence of the fifty per cent. added to the value of any goods, wares, or merchandise, under the thirteenth section of this act, shall be divided among the custom-house officers of the port in which such goods, wares, or merchandise, may be, in the manner prescribed by the act, entitled "An act to regulate the [collection of] duties on imports and tonnage," passed on the second day of March, seventeen hundred and ninety-nine: *Provided*, That in no case shall the appraisers of goods, wares, or merchandise, be entitled to or receive any part of the said duty.

Sec. 21. *And be it further enacted*, That, before any goods, wares, or merchandise, which may be taken from any wreck, shall be admitted to an entry, the same shall be appraised, in the manner prescribed in the sixteenth section of this act; and the same proceedings shall be ordered and executed in all cases where a reduction of duties shall be claimed on account of damage which any goods, wares or merchandise, shall have sustained in the course of the voyage; and in all cases where the owner, importer, consignee, or agent, shall be dissatisfied with such appraisement, he shall be entitled to the privileges provided in the eighteenth section of this act.

Sec. 22. *And be it further enacted*, That, for every verification and certificate, made under this act, before a consul or commercial agent of the United States, such consul or commercial agent shall be entitled to demand and receive, from the person making the same, a fee of two dollars: *Provided*, Each shipper shall have the right to include all articles shipped by him in the same invoice.

Sec. 23. *And be it further enacted*, That, when any goods, wares, or merchandise, shall be admitted to an entry upon invoice, the collector of the port in which the same are entered shall certify the same under his official seal; and no other evidence of the value of such goods, wares, or merchandise, shall be admitted on the part of the owner or owners thereof, in any court of the United States, except in corroboration of such entry.

Sec. 24. *And be it further enacted*, That any person or persons, who shall counterfeit any certifi-

cate or attestation made in pursuance of this act, or use such certificate or attestation, knowing the same to be counterfeit, shall, upon conviction thereof before any court of the United States having cognizance of the same, be adjudged guilty of felony, and be fined in a sum not exceeding ten thousand dollars, and imprisoned for a term not exceeding three years.

SEC. 25. *And be it further enacted*, That any bond to the United States, entered into for the payment of duties by a merchant belonging to a firm, in the name of such firm, shall equally bind the partner or partners in trade, of the person or persons by whom such bond shall have been executed; but no clerk or hired person, in the constant employment of another, shall become principal or surety to any bond to which his employer is a party.

SEC. 26. *And be it further enacted*, That no bond for duties on goods, wares, or merchandise, imported into the United States, shall be accepted by any collector of the revenue, unless the principal be a resident of the United States, and the surety or sureties citizens thereof.

SEC. 27. *And be it further enacted*, That, in every case where the owner, importer, consignee, or agent, of any goods, wares, or merchandise, imported as aforesaid, and the duty upon which shall amount to fifty dollars, or upwards, may, at the time of entry, desire to pay the duties thereon in cash, the collector of the port where the said goods, wares, or merchandise, may be entered, shall be, and is hereby, authorized and directed to receive the same, and to allow a discount on the amount of the duties, at the rate of four per centum per annum, for the legal term of credit which would have been allowed by law on such duties.

SEC. 28. *And be it further enacted*, That all goods, wares, or merchandise, imported into the United States, the duties on which shall have been paid, or secured to be paid, may be transported coastwise, from the district into which they were imported to two other districts, and exported from either of them with the benefit of drawback: *Provided*, That all regulations and formalities now in force relating to the transportation of goods, wares, and merchandise, coastwise, from the district into which they were imported to another district for benefit of drawback, and such other regulations as are prescribed under and by virtue of this act, for the further transportation of such goods, wares, or merchandise, to other districts, shall be complied with: *And provided, also*, That all the regulations and formalities now in force, respecting the exportation of goods, wares, and merchandise, for the benefit of drawback, shall be complied with, so far as may be consistent with other provisions of this act; and the Secretary of the Treasury shall be, and he is hereby, authorized to prescribe the form of the certificate to be used, and of the oaths to be taken, on the transportation of such goods, wares, or merchandise, from the second district, into which they may be so brought, to the third district.

SEC. 29. *And be it further enacted*, That all goods, wares, or merchandise, subject to ad valorem duty, and intended for exportation, with benefit of drawback, which shall be transported from one district to another, shall be accompanied by a copy from the invoice, of the cost thereof, certified by the collector of the district from which they may have been last re-shipped, which certified copy shall be produced to the collector of the district from which such goods, wares, or merchandise, are intended to be exported; and such goods, wares, or merchandise, as well as all such goods, wares, or merchandise, subject to ad valorem duty, as shall be exported from the district into which they may have been originally imported, shall be inspected by the appraisers at the time of exportation, in the manner provided by this act, on the importation of such goods, wares, or merchandise; and if the same are found not to correspond with the original invoice, the said goods, wares, or merchandise, shall be subjected to forfeiture, according to the provisions of the eighty-fourth section of an act, entitled "An act to regulate the collection of duties on imports and tonnage," passed the second of March, one thousand seven hundred and ninety-nine.

SEC. 30. *And be it further enacted*, That in all cases of entry of goods, wares, or merchandise, for the benefit of drawback, the time of twenty days shall be allowed, from the date of the clearance of the ship or vessel, in which the same shall have been laden, for taking the oaths, completing the entry, and giving the exportation bonds for the same: *Provided*, That the exporter shall have, in every other particular, complied with the regulations and formalities heretofore, and by this act, established for entries of exportation of goods, wares, or merchandise, for the benefit of drawback.

SEC. 31. *And be it further enacted*, That in all cases where goods, wares, or merchandise, entitled to debenture, shall be reshipped for transportation coastwise, before the necessary certificates are issued by the collector of the port where imported, the same shall be allowed to be entered for debenture, at the district to which they shall be so transported, without forfeiting the benefit of drawback: *Provided*, That the person or persons, so entering said goods, wares, or merchandise, shall produce, from the collector of the port from whence the same shall have been last shipped, a certificate that the coastwise certificates were not issued at the time of the sailing of the vessel on board which the said goods, wares, or merchandise, shall have been so shipped, and shall deliver the coastwise certificates required in such cases, to the collector of the port where the same shall have been so entered, within two months from the date of entry, and before the said goods, wares, or merchandise, shall be entered for exportation.

SEC. 32. *And be it further enacted*, That in all cases where the owner, importer, consignee, or agent, of any goods, wares, or merchandise, entitled to debenture, may wish to transfer the same into packages other than those in which the said goods, wares, or merchandise, were originally imported, the collector of the port where the same may be, shall permit the said transfer to be made, if necessary, for the safety or preservation thereof:

Provided, That due notice of the same, in writing, setting forth sufficient cause for the said transfer, be given to the said collector, who shall appoint an inspector of the revenue, to ascertain if the said allegation be true, and, if found correct, to superintend said transfer, and to cause the marks and numbers upon the original packages to be inscribed upon the packages into which the said goods, wares, or merchandise, shall be transferred.

SEC. 33. *And be it further enacted*, That it shall not be necessary to insert the numbers upon packages, in any entry of goods, wares, or merchandise, subject to specific duty on importation or exportation, or to insert any such numbers in any coastwise or other certificate: *But, it is expressly provided*, That in all cases where a separate certificate may be required for each package, the numbers shall be inserted therein.

SEC. 34. *And be it further enacted*, That, in all cases where, under existing laws, spirituous liquors, entitled to debenture, shall have been shipped coastwise for the purpose of being laden immediately on board some vessel in another district, for exportation, the same may be so laden on board of such vessel, without having been first deposited in the public warehouse: *Provided*, That all other regulations required by law shall have been complied with, and that such transportation of said spirituous liquors, from the one vessel to the other, be made by the collector's order, and under the superintendence of an inspector of the revenue, and that a careful examination be made by him of the identity of the same, and of the quantity, quality, and packages thereof.

SEC. 35. *And be it further enacted*, That all penalties and forfeitures, incurred by force of this act, shall be sued for, recovered, distributed, and accounted for, in the manner prescribed by the act, entitled "An act to regulate the collection of duties on imports and tonnage," passed on the second day of March, one thousand seven hundred and ninety-nine, and may be mitigated or remitted in the manner prescribed by the act, entitled "An act to provide for mitigating or remitting the forfeitures, penalties, and disabilities, accruing in certain cases therein mentioned," passed on the third day of March, one thousand seven hundred and ninety-seven.

SEC. 36. *And be it further enacted*, That all fines, penalties, and forfeitures, incurred in virtue of the act, entitled "An act supplementary to an act, entitled 'An act to regulate the collection of duties on imports and tonnage,' passed the twentieth April, one thousand eight hundred and eighteen," may be sued for, prosecuted, and recovered, in the same manner as if the said act did not expire on the third day of March next.

SEC. 37. *And be it further enacted*, That when goods, wares, or merchandise, imported, and subject to duty as aforesaid, shall be reshipped, and transported coastwise, from one district to another, in the packages in which the same were imported, an invoice, or a copy of such invoice, or an extract therefrom, including all the articles, with the charges thereon, which are reshipped and transported coastwise as aforesaid, verified by the additional oath required by the fourth section of this act, and certified under the official seal of the collector, with whom the entry, on the importation of such goods, wares, and merchandise, was made, shall be produced at the port to which the same shall be transported; and the same inspection of such goods, wares, or merchandise, shall be made as if they had been brought direct from a foreign port or place: *Provided*, That no appraisement of the said goods, wares, or merchandise, shall be made at the said port so as to change the amount of duties which may have been charged thereon, at the port of their original importation, if the same should have been there entered according to the provisions of this act; except when transported from a port where there are no appraisers appointed by the Government; and if the invoice, verified as aforesaid, shall not be so produced, such goods, wares, or merchandise, shall be deposited, and remain in the public warehouse, at the expense and risk of the owner thereof, until the invoice, verified and certified in the manner above required, shall be produced; and goods, wares, or merchandise, imported, and subject to duty as aforesaid, may be transported, coastwise, to one or more districts within the United States.

Approved, March 1, 1823.

An Act to regulate the commercial intercourse between the United States and certain British colonial ports.

Be it enacted, &c., That, from and after the third day of March next, the first, second, and third sections of the "Act concerning navigation," approved on the eighteenth of April, one thousand eight hundred and eighteen, and the "Act supplementary to an act concerning navigation," approved on the fifteenth of May, one thousand eight hundred and twenty, shall be, and the same are hereby, suspended, for and during the continuance of this act, so far as any of the restrictions or prohibitions therein contained, limit or interdict the intercourse of navigation or commerce between the ports of the United States and the British colonial ports hereinafter mentioned, viz:

Kingston, in Jamaica.
Savannah Le Mar, in Jamaica.
Montego Bay, in Jamaica.
Santa Lucia, in Jamaica.
Antonio, in Jamaica.
Saint Ann, in Jamaica.
Falmouth, in Jamaica.
Maria, in Jamaica.
Morant Bay and Annotto Bay, in Jamaica.
Saint George, in Grenada.
Roseau, in Dominica.
Saint John's, in Antigua.
San Josef, in Trinidad.
Scarborough, in Tobago.
Road Harbor, in Tortola.
Nassau, in New Providence.
Pittstown, in Crooked Island.
Kingston, in Saint Vincent.
Port Saint George and Port Hamilton in Bermuda.

Any port where there is a custom-house, in
Bahamas.
Bridgetown, in Barbadoes.
Saint John's and Saint Andrew's, in New
Brunswick.
Halifax, in Nova Scotia.
Quebec, in Canada.
Saint John's, in Newfoundland.
Georgetown, in Demarara.
New Amsterdam, in Berbice.
Castries, in Saint Lucia.
Basseterre, in Saint Kitts.
Charlestown, in Nevis.
Plymouth, in Montserrat.

SEC. 2. *And be it further enacted*, That, from nd after the said third day of March next, the orts of the United States shall be open to any British vessel coming directly from any of the British colonial ports above enumerated; and it hall be lawful to import in the said vessels, beng navigated by a master and three-fourths, at east, of the mariners, British subjects, any artiles of the growth, produce, or manufacture, of ny of the said British colonies, the importation f the like articles to which, from elsewhere, is ot, or shall not be, prohibited by law, and which ay be exported from any of the said enumerated British ports to the United States, on equal terms, n vessels belonging to the said States.

SEC. 3. *And be it further enacted*, That on proof eing given to the President of the United States, atisfactory to him, that, upon the vessels of the Jnited States admitted into the above enumerated British colonial ports, and upon any goods, wares, nd merchandise, imported therein, in the said essels, no other or higher duties of tonnage or mpost, and no other charges of any kind, are evied or exacted than upon British vessels, or pon the like goods, wares, and merchandise, imorted into the said colonial ports from elsewhere, shall and may be lawful for the President of he United States to issue his proclamation, declaring that no other or higher duty of impost or onnage, and no other or higher duty or charge of ny kind, upon any goods, wares, or merchandise, mported from the above enumerated British coonial ports, in British vessels, shall be levied or xacted in any of the ports of the United States, excepting the ports, in the Territory of Florida,) han upon the vessels of the United States, and pon the like goods, wares, or merchandise, imorted into the ports of the United States in the ame: *Provided always*, That until such proof hall be given, British vessels coming from the aid British colonial ports, and the goods, wares, nd merchandise, imported in the same into the nited States, shall continue to pay the foreign onnage duty, and the additional duties upon oods, wares, and merchandise, imported in forgn vessels, prescribed by the "Act to regulate he duties on imports and tonnage," approved the venty-seventh of April, one thousand eight hunred and sixteen.

SEC. 4. *And be it further enacted*, That no arcles whatsoever, specie and bullion excepted, ther than articles of the growth, produce, or manufacture, of the British colonies to which the said enumerated ports belong, shall be imported into the United States, in British vessels, coming from any of the said enumerated ports; and that no articles whatsoever, being of the growth, produce, or manufacture, of the British colonies, to which the said enumerated ports belong, shall be imported into the United States, in any British vessel, other than a vessel coming directly from one of the said enumerated ports, on pain of forfeiting all such articles, together with the ship or vessel in which the same shall have been imported, and her guns, tackle, apparel, and furniture.

SEC. 5. *And be it further enacted*, That it shall be lawful to export from the United States, directly to any of the above enumerated British colonial ports, in any vessel of the United States, or in any British vessel, navigated as by the second section of this act is prescribed, and having come directly from any of the above enumerated British colonial ports, any article of the growth, produce, or manufacture, of the United States, or any other article legally imported therein, the exportation of which, elsewhere, shall not be prohibited by law: *Provided*, That when exported in any such British vessel, before the shipment of any such articles, security, by bond, shall be given to the United States, in a penalty equal to half the value of the said articles; such bond to be taken of the owner, consignee, or agent, by the collector of the port at which the said British vessel shall have entered, for the due landing of the said articles, at the port or ports, being of the British colonial ports herein above enumerated, for which the said vessel shall clear out, and for producing a certificate thereof, within twelve months from the date of said bond, under the hand and seal of the consul, or commercial agent of the United States, resident at the port where the said articles shall have been landed; or if there shall be no consul or commercial agent of the United States residing there, such certificate to be under the hand and seal of the chief officer of the customs at such port, or under the hand and seal of two known and reputable merchants residing at such port; but such bond may be discharged, by proof, on oath, by credible persons, that the said articles were taken by enemies, or perished in the seas. And it shall not be lawful to export, from the United States, any article whatsoever, to any of the above enumerated British colonial ports, in any British vessel, other than such as shall have come directly from one of the said ports to the United States; nor shall it be lawful to export from the United States any article whatsoever, in any British vessel, having come from any of the said enumerated ports, to any other port or place, whatsoever, than directly to one of the said ports. And in case any such articles shall be shipped or waterborne, for the purpose of being exported contrary to this act, the same shall be forfeited, and shall and may be seized and prosecuted, in like manner as for any other violation of the revenue laws of the United States.

SEC. 6. *And be it further enacted*, That this act, unless repealed, altered, or amended, by Con-

gress, shall be and continue in force so long as the above enumerated British colonial ports shall be open to the admission of vessels of the United States, conformably to the provisions of the British act of Parliament of the 24th of June last, being the forty-fourth chapter of the acts of the third year of George the Fourth. But if at any time the trade and intercourse between the United States and all or any of the above enumerated British colonial ports, authorized by the said act of Parliament, should be prohibited by a British order in council, or by act of Parliament, then, from the day of the date of such order in council, or act of Parliament, or from the time that the same shall commence to be in force, proclamation to that effect having been made by the President of the United States, each and every provision of this act, so far as the same shall apply to the intercourse between the United States and the above enumerated British colonial ports, in British vessels, shall cease to operate in their favor; and each and every provision of the "Act concerning navigation," approved on the eighteenth of April, one thousand eight hundred and eighteen; and of the act supplementary thereto, approved on the fifteenth of May, one thousand eight hundred and twenty, shall revive and be in full force.

Sec. 7. *And be it further enacted*, That if any British colonial port in the American hemisphere, other than those herein above enumerated, should, by virtue of a British order in council, be opened to vessels of the United States, conformably to the provisions of the said act of Parliament of the twenty-fourth of June last, each and every provision of this act shall extend to the same, from the time when it shall be so opened to the vessels of the United States.

Sec. 8. *And be it further enacted*, That the form of the bond aforesaid shall be prescribed by the Secretary of the Treasury; and all penalties and forfeitures, incurred under this act, shall be sued for, recovered, distributed, and accounted for, and the same may be mitigated or remitted, in the manner, and according to the provisions, of the revenue laws of the United States.

Approved, March 1, 1823.

An Act to alter the time of holding the district court of the United States for the district of Kentucky.

Be it enacted, &c., That, from and after the next term of the district court of the United States for the district of Kentucky, the said court shall hold its terms on the second Monday in April and October in each year.

Approved, March 1, 1823.

An Act to extend the jurisdiction of Justices of the Peace, in the recovery of debts, in the District of Columbia.

Be it enacted, &c., That, from and after the first day of June next, in all cases where the real debt and damages do not exceed the sum of fifty dollars, exclusive of costs, it shall and may be lawful for any one Justice of the Peace, of each respective county within the District of Columbia, wherein the debtor doth reside, to try, hear, and determine, the matter in controversy, between the creditor and debtor, their executors and administrators, and upon full hearing of the allegations and evidences, of both parties, to give judgment, according to the laws existing in the said District of Columbia, and the equity and right of the matter, in the same manner, and under the same rules and regulations, to all intents and purposes, as such Justices of the Peace are now authorized and empowered to do when the debt and damages do not exceed the sum of twenty dollars, exclusive of costs: *Provided, nevertheless*, That all Justices of the Peace, of the said county, shall be compelled, upon entering judgments upon cases within their jurisdiction, to enter the same in such manner as shall carry an interest thereon, from the date thereof, until the same shall be paid, or satisfied: *And provided, further*, That no female, in any case whatever, and no male above the age of seventy years, shall be liable to be arrested or imprisoned for any debt authorized to be sued for and recovered by this act.

Sec. 2. *And be it further enacted*, That, in all cases where judgments shall be rendered by a Justice of the Peace, it shall be lawful for the defendant to supersede the said judgment, at any time within sixty days from the rendition of the same, which supersedeas shall stay execution for six months thereafter, and shall be taken by the Justice who rendered the judgment, and no other: *Provided*, Such Justice is living in the county in which said judgment was rendered, and acting in his judicial capacity; but if such Justice shall not be so acting, then, and in that case, before any other Justice of the Peace for the aforesaid county, who may be legally acting in that capacity.

Sec. 3. *And be it further enacted*, That the Justices of the Peace within the District of Columbia be, and they are hereby directed, and it is hereby made their duty, to keep a docket, and therein to record, and make regular entries of their proceedings, in all cases in which they shall act in virtue of their office, and they are hereby directed to furnish the plaintiffs and defendants, respectively, with a copy of any judgment by them rendered, when required, on which copy, any other Justice of the Peace of the county is hereby authorized to issue execution or fieri facias, in the same manner as executions are now issued by the Clerk of the Circuit Court of the District of Columbia, which shall be returned within twenty days after being issued, to the Justice who gave the judgment; and no judgment rendered before a Justice shall have the effect to create any lien upon real estate.

Sec. 4. *And be it further enacted*, That, if any Justice of the Peace shall omit to keep a docket, as aforesaid, or be guilty of any other negligence or omission, by which the plaintiff (having obtained a judgment before such Justice,) shall lose his or her debt, that then, and in that case, the said Justice shall pay and satisfy to the said plaintiff the debt, interest, and costs, lost as aforesaid, to be recovered by plaint, before any other Justice of the Peace, who shall, on proof of the fact, render judg-

ment against such defaulting Justice, together with any interest that may have accrued on the debt.

SEC. 5. *And be it further enacted*, That each and every Justice of the peace shall, and it is hereby made his duty, upon his resignation or removal from office, and it is also made the duty of his executors or administrators, upon the death of any such Justice of the Peace, forthwith to deliver to the Clerk of the Circuit Court of the District of Columbia, within the county in which said Justice of the Peace officiated, such docket or dockets as said Justice of the Peace, so resigning, removing, or dying, shall, or may have had; and it shall be the duty of the Clerk in whose possession said docket or dockets may be placed, to furnish copies of all such entries made in said docket or dockets, to persons applying therefor, and who may be entitled thereto, in the same manner, and to have the same effect, as if said copies had been furnished by the said Justices, so resigning, removing, or dying, as the case may be: And, in case of the death, resignation, removal from office, or other incapacity, of any person who may have acted as a Justice of the Peace as aforesaid, and neglect (on the part of himself, or executors, or administrators, as the case may be) to transfer such docket or dockets, he or they shall forfeit to the United States, the sum of five hundred dollars, to be recovered as other penalties due to the United States.

SEC. 6. *And be it further enacted*, That the Judges of the Circuit Court of the District of Columbia shall not hold original plea in the said Court of any debt or damage in cases within the jurisdiction given to Justices of the Peace by this act, which shall not exceed fifty dollars, exclusive of costs, any law to the contrary notwithstanding: *Provided, nevertheless*, That nothing in this act contained shall extend, or be construed to extend, to divest the Circuit Court of the District of Columbia from the power of holding plea of any debt or damages, where the same doth not exceed the sum of fifty dollars, or may be above the sum of twenty dollars, where the writ of original process, issued for the recovery of the same, shall have been impetrated at any time before the first day of June next.

SEC. 7. *And be it further enacted*, That in all cases where the debt or demand doth exceed the sum of five dollars, and either plaintiff or defendant shall think him or herself aggrieved by the judgment of any Justice of the Peace, he or she shall be at liberty to appeal to the next Circuit Court to be held in the county in which the said judgment shall have been rendered, before the Judges thereof; who are hereby, upon the petition of the appellant, in a summary way, empowered and directed to hear the allegations and proofs of both parties, and determine upon the same according to law, and the equity and right of the matter, at the same term in which the said petition shall be exhibited, without further continuance or delay, unless it shall appear to the said Court that further time ought to be given to the party applying for the same; and either of the said parties may demand a trial by jury, or leave the cause to be determined by the Court, at their election; and, in any case of appeal from the decision of a Justice of the Peace, the Circuit Court, where two summonses against the appellee shall be returned *non est*, or one attachment returned *non est*, and the said appellee shall not appear, the Court may proceed to hear and determine such case, in the same manner as if the appellee had regularly appeared: *Provided*, That no appeal from the judgment of any Justice of the Peace to the Circuit Court of the District of Columbia shall be dismissed because the same had not been prayed to the Circuit Court next after the rendition of such judgment, unless the Court shall be satisfied that the defendant had notice of such judgment at least ten days before the sitting of said Circuit Court.

SEC. 8. *And be it further enacted*, That, from and after the first day of June next, no Justice of the Peace, within the District of Columbia, before whom any judgment hath been rendered, or any supersedeas on any judgment rendered by a Justice of the Peace, hath been taken, shall make return of any such judgment or supersedeas to the office of the Clerk of the Circuit Court of the District of Columbia, for the purpose that the same should be recorded or filed therein, by the Clerks of the said Circuit Court; any law to the contrary notwithstanding.

SEC. 9. *And be it further enacted*, That any Justice of the Peace before whom supersedeas may be taken, or any other Justice of the Peace of said county, may, and shall, at the request of the plaintiff, or any other person authorized by, or on behalf of, the said plaintiff, issue execution, by way of capias ad satisfaciendum, or fieri facias, against the principal debtor, and his sureties, or against either of them, after the expiration of the time so mentioned in the said supersedeas.

SEC. 10. *And be it further enacted*, That the Constables of the said District, who have been, or may hereafter be, duly appointed and qualified, according to law, are hereby authorized and empowered to serve and levy executions issued by a Justice of the Peace, on judgments obtained for small debts, out of Court, in the same manner, and by the same process, as the Marshal of the District of Columbia, or his deputies, are authorized to do; and that a commission of five per cent. be allowed the Constable for every sum thereon by him levied: *Provided*, That said Constables shall, before they proceed to the discharge of the duties required by this act, give bond to the United States, with good and sufficient security, in the penalty of two thousand dollars, to be approved of by any one of the Judges of the Circuit Court of said District, for the due performance of the duties of a Constable, and, also, for the duties and trusts reposed in them by virtue of this act; and it shall be the duty of such Judge, forthwith, to have the same filed or entered on record by the Clerk of the county in which said Constable may reside, at the cost and expense of said Constable. And the said Constables shall, after this act goes into effect, make all returns now made to the Clerk of the Circuit Court, to the Justices of the Peace, at such times, in such manner, and

under such penalties, as are at present established by law, in rendering the same to the said Clerk: *Provided*, That no return, judgment, or execution, shall be received or recorded as satisfied, by the said Justices of the Peace, without the receipt of the plaintiff annexed to the same: *Provided, also*, That nothing in this act contained, shall be construed to prohibit or prevent the Marshal, or his deputies, in the respective counties in the District of Columbia, from executing or levying executions, issued by a Justice of the Peace, for small debts, out of court, when the same are put into their hands for that purpose, in the same manner as by law they have been, or now are authorized to do; but, for executing or levying such executions, the said Marshal, or his deputies, shall be entitled to the same commission, and nothing more, as is herein allowed to Constables in such cases; and where the Marshal or Constable shall have received money, on any judgment or execution, not exceeding twenty dollars, and shall fail or omit to pay the same to the plaintiff, or his agent, when thereto demanded; or shall omit or fail to return any execution within the time limited for such return, it shall and may be lawful for any Court of Record, within the District of Columbia, on motion made, five days previous notice being given to said Marshal or Constable, to enter up judgment, instanter, against them for the amount so received, with interest and costs.

SEC. 11. *And be it further enacted*, That, where any judgment before any Justice of the Peace shall have continued for more than one year, and the said judgment had not been paid or satisfied, it shall and may be lawful for the justice before whom the said judgment had been obtained, or any other Justice of the Peace for said county, to revive the same by scire facias, which shall be made returnable on a certain day, not exceeding forty days from the time of issuing the same, to the said justice, or other Justice of the Peace of said county; and any constable, qualified as above mentioned, of the said county, is hereby authorized and required to serve such writ of scire facias, and make due return thereof on the return day mentioned in the said writ, in the same manner, and entitled to the same fee, and liable to the same penalty, as in the case of a warrant issued by a Justice of the Peace, as directed by law, in such case made and provided.

SEC. 12. *And be it further enacted*, That it may be lawful for any constable, qualified as aforesaid, to deliver any person committed by a Justice of the Peace, on a capias ad satisfaciendum, when the case may or doth so require; and that the said marshal, or his jailor, is hereby required and directed to take charge of such person, and the same in his custody safe keep, until such person or persons shall be duly discharged therefrom, according to law.

SEC. 13. *And be it further enacted*, That the Justices of the Peace be, and they are hereby, authorized and empowered to issue capias ad satisfaciendum, or fieri facias, in all cases where the said justices are empowered to render judgment by virtue of this act, or the laws already in existence in the District of Columbia: *Provided*, however, and it is hereby enacted, that the necessary beds, bedding, not exceeding one bed and the bedding thereof for every two persons belonging to the family of every such debtor, and wearing apparel, and one cow of each and every debtor and his family, against whose goods, chattels, and effects, a writ of fieri facias shall be issued, as aforesaid, shall not be liable to seizure and sale, under such writ, but shall, in all cases, be exempt, together with the tools and implements of his trade, from the operation of the same; nor shall it be lawful for any person to distrain them for rent.

SEC. 14. *And be it further enacted*, That it shall and may be lawful for the several Justices of the Peace within the District of Columbia, to ask and receive, for the performance of their duties under this act, such fees as are allowed to said justices, for similar services, by the laws at present in force in the said District.

SEC. 15. *And be it further enacted*, That, in every action to be brought by virtue of this act, where the sum demanded shall exceed twenty dollars, it shall be lawful for either of the parties to the suit, after issue joined, and before the justice shall proceed to inquire into the merits of the cause, to demand of the said justice that such action be tried by a jury; and, upon said demand, the said justice is hereby required to issue a venire, under his hand and seal, directed to any constable of the county where said cause is to be tried, commanding him to summon twelve jurors, to be and appear before the justice issuing such venire, at such time and place as shall be therein expressed, and the jurors thus summoned shall possess the qualifications, and be subject to the exceptions, now existing by law in the District of Columbia.

SEC. 16. *And be it further enacted*, That if any of the persons so summoned and returned as jurors, shall not appear, or be challenged and set aside, the justice before whom the said cause is to be tried, shall direct the constable to summon, and return forthwith, a tales, each of whom shall be subject to the same exceptions as the jurors aforesaid, so as to make up the number of twelve, after all causes of challenge are disposed of by the justice; and the said twelve persons shall be the jury who shall try the cause, each of whom shall be sworn by the justice, well and truly to try the matter in difference between the parties, and a true verdict to give, according to evidence; and, the said jury being sworn, shall sit together, and hear the proofs and allegations of the parties, in public, and when the same is gone through with, the justices shall administer to the constable the following oath, viz: "You do swear, that you shall keep this jury together, in some private room, without meat or drink, except water; that you will not suffer any person to speak to them, nor will you speak to them yourself, unless by order of the justice, until they have agreed on their verdict." And when the jurors have agreed on their verdict, they shall deliver the same publicly to the justice, who is hereby required to give judgment, forthwith, thereon, and the said justice is hereby authorized to issue execution on said judgment, in the man-

ner and under the limitations hereinbefore directed.

SEC. 17. *And be it further enacted*, That, in addition to the fees hereinbefore provided for in trials before justices, there shall be allowed to the justice, for issuing a venire facias, twenty-five cents, and for swearing the jury, twelve and an half cents; to the jurors sworn to try, twelve and an half cents each; and to the constable, for summoning the jury, thirty-seven and an half cents.

Approved, March 1, 1823.

An Act for carrying into effect the Convention of Navigation and Commerce between the United States and France, concluded at Washington on the twenty-fourth day of June, eighteen hundred and twenty-two.

Be it enacted, &c., That the act to impose a new tonnage duty on French ships and vessels, approved on the fifteenth day of May, one thousand eight hundred and twenty, be, and the same is hereby, repealed.

SEC. 2. *And be it further enacted*, That, for the term of two years, from and after the thirtieth day of September last, articles of the growth, produce, or manufacture, of France, imported into the United States, in French vessels, shall pay an additional duty of three dollars and seventy-five cents per ton of merchandise, according to the tenor of the Convention of Navigation and Commerce between the United States and France, concluded on the twenty-fourth day of June, one thousand eight hundred and twenty-two, over and above the duties collected upon the like articles, also of the growth, produce, or manufacture, of France, when imported in vessels of the United States: *Provided, always*, That no discriminating duty shall be levied upon the productions of the soil or industry of France, imported in French bottoms, into the ports of the United States, for transit or re-exportation.

SEC. 3. *And be it further enacted*, That, from and after the expiration of two years from the said thirtieth day of September last, in case of the continuance in force of the said Convention, and so long as the same shall continue in force, the extra duties, specified in the second section of this act, shall, from and after the said thirtieth day of September, one thousand eight hundred and twenty-four, be diminished by one-fourth of their whole amount; and, afterwards, by one-fourth of said amount, from year to year, so long as neither of the parties to the said Convention shall have declared the intention of renouncing the same, in the manner therein provided, and until the whole of such discriminating and extra duty shall have been done away.

SEC. 4. *And be it further enacted*, That, during the continuance in force of the said Convention, the duties of tonnage, light money, pilotage, port charges, brokerage, and all other duties, upon foreign shipping, over and above those paid by vessels of the United States, other than those specified in the second section of this act, shall not exceed, for French vessels, in the ports of the United States, ninety-four cents per ton of the vessel's French passport.

SEC. 5. *And be it further enacted*, That the Secretary of the Treasury be, and he is hereby, authorized to cause to be refunded, from any moneys in the Treasury not otherwise appropriated, any extra duties levied before the twenty-fourth day of June last, by virtue of the act of Congress of the fifteenth of May, one thousand eight hundred and twenty, imposing a new tonnage duty on French ships or vessels.

SEC. 6. *And be it further enacted*, That, if the second article of the said Convention, concluded on the twenty-fourth of June last, should be ratified by both the contracting parties thereto, and the ratifications thereof shall be exchanged on or before the twenty-third day of June next, then, from and after the expiration of two months subsequent to the exchange of ratifications, and during the continuance in force of the said separate article, the extra duties specified in the second section of this act, shall be levied only upon the excess of value of the merchandise imported into the United States in any French vessel, over the value of the merchandise exported from the United States in the same vessel, upon the same voyage; so that, if the value of the articles exported shall equal or exceed that of the articles imported in the same vessel, (not including articles imported for transit or re-exportation,) no such extra duties shall be levied; and if the articles exported are less in value than those imported, the extra duties shall be levied only upon the amount of difference of their value.

SEC. 7. *And be it further enacted*, That all acts, or parts of acts of Congress, incompatible with the execution of each and every article of the said Convention, concluded on the twenty-fourth of June last, and of its ratified separate articles, be, and the same are hereby, repealed.

Approved, March 3, 1823.

An Act making appropriations for the Military service of the United States, for the year one thousand eight hundred and twenty-three.

Be it enacted, &c., That the following sums be, and the same are hereby, respectively appropriated for the military service of the United States, for the year one thousand eight hundred and twenty-three, to wit:

For the pay of the Army, and subsistence of the officers, nine hundred and eighty-eight thousand nine hundred and seven dollars and seventy-five cents.

For subsistence, two hundred and seventy-six thousand one hundred dollars.

For forage for officers, thirty-five thousand five hundred and twenty dollars.

For the medical and hospital department, fifteen thousand six hundred and thirty-eight dollars.

For the purchasing department, one hundred and thirty-six thousand three hundred and fifty-one dollars.

For the Quartermaster General's department,

two hundred and ninety-seven thousand one hundred and forty-eight dollars.

For the contingent expenses of the Army, ten thousand dollars.

For Quartermaster's supplies, transportation, mathematical instruments, books, and stationery, for the Military Academy, twelve thousand dollars.

For the pensions to the invalids, to the commutation pensioners, and to the widows and orphans, three hundred and thirty-five thousand dollars.

For pensions to the Revolutionary pensioners of the United States, one million five hundred and thirty-eight thousand eight hundred and fifteen dollars.

For the national armories, three hundred and sixty thousand dollars.

For the current expenses of the Ordnance, forty-eight thousand dollars.

For arsenals, thirty-three thousand four hundred dollars.

For arrearages in the War Department, prior to the first of July, one thousand eight hundred and seventeen, thirty-five thousand dollars.

For the payment of the balance of the expenses of the militia court-martial of the State of New York, of which Brigadier General Gerrard Steddeford was president, including the sum of one thousand eight hundred and eighty-eight dollars eighty-nine cents, to make up the deficiency in the sum appropriated last year for the payment of Brigadier General Beekman, M. Van Buren, a member of said court, one thousand six hundred and twenty-six dollars and eighty-nine cents.

For the annuity to the Creek Indians, under the treaty of the eighth of January, one thousand eight hundred and twenty-one, with that tribe, five thousand dollars.

For the employment of teams, and for extra pay and rations to soldiers to be employed for the completion of the military road from Plattsburg to Sackett's Harbor, three thousand five hundred dollars.

For compensation to Captain Terry Runnels, due him for the transportation of baggage in the late Seminole war, forty-eight dollars.

SEC. 2. *And be it further enacted*, That the several sums hereby appropriated shall be paid out of any money in the Treasury not otherwise appropriated: *Provided, however*, That no money appropriated by this act shall be paid to any person, for his compensation, who is in arrears to the United States, until such person shall have accounted for, and paid into the Treasury, all sums for which he may be liable: *Provided, further*, That nothing in this section contained shall extend to balances arising solely from the depreciation of Treasury notes, received by such person to be expended in the public service; but in all cases where the pay or salary of any person is withheld, in pursuance of this act, it shall be the duty of the accounting officer, if demanded by the party, his agent, or attorney, to report forthwith to the agent of the Treasury Department the balance due; and it shall be the duty of the said agent, within sixty days thereafter, to order suit to be commenced against such delinquent and his sureties.

Approved March 3, 1823.

An Act making further appropriations for the Military service of the United States, for the year one thousand eight hundred and twenty-three, and for other purposes.

Be it enacted, &c., That the following sums be, and the same are hereby, appropriated, to wit:

For pay allowed by law to the Superintendent of Indian Affairs at St. Louis, and the several Indian agents, twenty-six thousand five hundred dollars.

For pay allowed by law to sub-agents, eleven thousand dollars.

For presents to Indians, as authorized by the law of one thousand eight hundred and two, fifteen thousand dollars.

For contingent expenses of the Indian Department, ninety thousand dollars.

To enable the President of the United States to take such measures as may be necessary to purchase the right, title, and interest, which certain Indians have in three several tracts of land of four hundred acres each, lying in the county of Tuscaroras, in the State of Ohio, which were granted by Congress in seventeen hundred and ninety-six, to the Society of United Brethren, on trust, for the sole benefit of said Indians, the purchase to be made with the consent of said Society, one thousand dollars.

To purchase certain tracts of land, in the State of Georgia, reserved to the Indians, in fee, by the treaties with the Creek Indians, of the ninth day of August, one thousand eight hundred and fourteen, and of the eighth day of January, one thousand eight hundred and twenty-one; and by the treaties with the Cherokee Indians, of the eighth day of January, one thousand eight hundred and seventeen, and of the twenty-seventh day of February, one thousand eight hundred and nineteen, fifty thousand dollars.

SEC. 2. *And be it further enacted*, That the several sums hereby appropriated shall be paid out of any money in the Treasury not otherwise appropriated: *Provided however*, That no money appropriated by this act shall be paid to any person who is in arrears to the United States, until such person shall have accounted for, and paid into the Treasury, all sums for which he may be liable: *Provided further*, That nothing in this section contained shall extend to balances arising solely from the depreciation of Treasury notes, received by such person to be expended in the public service; but, in all cases where the pay or salary of any such person is withheld, in pursuance of this act, it shall be the duty of the accounting officers, if demanded by the party, his agent, or attorney, to report forthwith to the agent of the Treasury Department the balance due; and it shall be the duty of the said agent, within sixty days thereafter to order suit to be commenced against such delinquent and his sureties.

SEC. 3. *And be it further enacted*, That so much

of the appropriation of sixty-five thousand dollars, made by the act of the third of March, eighteen hundred and twenty-one, for carrying into effect the treaty of the eighteenth October, eighteen hundred and twenty, with the Choctaw Indians, as remains unexpended, may, under the direction of the President of the United States, be employed in obtaining such a modification of said treaty, as to have established as the eastern boundary of the cession made by that treaty to the Choctaws, and as the western boundary of the Territory of Arkansas, a line due south from the southwest corner of the State of Missouri to Red river; and for running the line thus modified, and removing all obstructions to a due execution of the stipulations of the treaty of eighteen hundred and twenty.

Approved, March 3, 1823.

An Act to amend "An act for the establishment of a Territorial Government in Florida," and for other purposes.

Be it enacted, &c., That all that territory, ceded by Spain to the United States, known by the name of East and West Florida, shall constitute a Territory of the United States, under the name of the Territory of Florida, the government whereof shall be organized and administered as follows:

Sec. 2. *And be it further enacted*, That the executive power shall be vested in the Governor, who shall reside in the said Territory, and hold his office during the term of three years, unless sooner removed by the President of the United States. He shall be commander-in-chief of the militia of the said Territory, and be, ex-officio, Superintendent of Indian Affairs; and shall have power to grant pardons for offences against the said Territory, and reprieves for those against the United States, until the decision of the President of the United States thereon shall be made known; and to appoint and commission, by and with the consent of the Legislative Council, all officers, civil and of the militia, whose appointments are not herein otherwise provided for, and which shall be established by law. He shall take care that the laws be faithfully executed.

Sec. 3. *And be it further enacted*, That a Secretary of the Territory shall be appointed, who shall hold his office during the term of four years, unless sooner removed by the President of the United States; whose duty it shall be, under the direction of the Governor, to record and preserve all the papers and proceedings of the Executive, and all the acts of the Governor and Legislative Council; and transmit authentic copies of the proceedings of the Governor, in his Executive Department, every six months, to the President of the United States.

Sec. 4. *And be it further enacted*, That, in case of the death, removal, resignation, or necessary absence, of the Governor of the said Territory, the Secretary thereof shall be, and he is hereby, authorized and required, to execute all the powers, and perform all the duties, of the Governor, during the vacancy occasioned by the removal, resignation, or necessary absence, of the said Governor; who shall, in no case, leave the said Territory without permission first had of the President of the United States.

Sec. 5. *And be it further enacted*, That the legislative powers shall be vested in the Governor, and in thirteen fit and discreet persons of the Territory, nine of whom shall constitute a quorum to do business, to be called the Legislative Council; who shall be appointed, annually, by the President of the United States, by and with the advice and consent of the Senate, from among the citizens of the United States, or from among the inhabitants of the Territory, resident there at the cession; but no person shall be eligible as a member of the said Legislative Council, who shall not have resided in the said Territory at least six months previous to his appointment. The Governor and Legislative Council shall have legislative powers over all rightful subjects of legislation; but no law shall be valid which is inconsistent with the Constitution and laws of the United States; or which shall lay any person under restraint, burden, or disability, on account of his religious opinions, professions, or worship. The Governor shall publish, throughout the said Territory, all the laws which shall be made; and shall, on or before the first of December, in each year, report the same to the President of the United States, to be laid before Congress; which, if disapproved of by Congress, shall thenceforth be of no force. The Governor and Legislative Council shall have no power over the primary disposal of the soil, nor to tax the lands of the United States, nor to interfere with the claims to lands within the said Territory. The Legislative Council shall hold a session once in each year, commencing on the first Monday in May, in each and every year, but shall not continue longer in session than four weeks, after the first session, which shall not continue longer than eight weeks; to be held in the city of St. Augustine, or at such other place, or places, as the Governor and Council may, from time to time, direct. It shall be the duty of the Governor to obtain all the information in his power in relation to the customs, habits, and dispositions, of the inhabitants of the said Territory, and communicate the same, from time to time, to the President of the United States.

Sec. 6. *And be it further enacted*, That every bill which shall have passed the Legislative Council, shall, before it become a law, be presented to the Governor. If he approve of it, he shall sign it; and, if not, he shall return it with his objections, in writing, to the Legislative Council, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of the members of the Legislative Council agree to pass the bill, it shall become a law; and the names of persons voting for, or against, the bill, shall be entered on the journal: *Provided, nevertheless*, That all bills to tax the inhabitants of the said Territory, or their property, shall, before they become laws, receive the sanction of Congress; except when the said bills shall authorize county, city, and town, officers to collect taxes for the use and benefit of their respect-

ive counties, cities, and towns; and for no other purposes.

SEC. 7. *And be it further enacted*, That the judicial power shall be vested in two Superior Courts, and in such Inferior Courts, and justices of the peace, as the Legislative Council of the Territory may, from time to time, establish. There shall be a superior court for that part of the Territory known as East Florida, to consist of one judge; he shall hold his court on the first Mondays of May and November, in each year, at St. Augustine, and at such other times and places as the Legislative Council shall direct. There shall be a superior court for that part of the Territory known as West Florida, to consist of one judge; he shall hold a court at Pensacola, on the first Mondays in May and November, in each year, and at such other times and places as the Legislative Council shall direct. Within its limits, herein described, each court shall have jurisdiction in all criminal cases; and exclusive jurisdiction in all capital offences; and original jurisdiction in all civil cases, of the value of one hundred dollars, arising under, and cognizable by, the laws of the Territory now in force therein, or which may at any time, be enacted by the Legislative Council thereof. Each judge shall appoint a clerk for his respective court, who shall reside, respectively, at St. Augustine and Pensacola, and they shall keep the records there. Each clerk shall receive for his services, in all cases arising under the territorial laws, such fees as shall be established by the Legislative Council. And the said judges may adjourn their respective courts to any other time or place, whenever St. Augustine or Pensacola shall be infected with a malignant fever; and writs of error and appeal from the final decision of the said superior courts, authorized by this section of this act, shall be made to the Supreme Court of the United States, in the same manner, and under the same regulations, as from the Circuit Courts of the United States, where the amount in controversy, to be ascertained by the oath, or affirmation, of either party, shall exceed one thousand dollars.

SEC. 8. *And be it further enacted*, That each of the said superior courts shall, moreover, have and exercise the same jurisdiction within its limits, in all cases arising under the laws and Constitution of the United States, which, by an act to establish the judicial courts of the United States, approved the twenty-fourth of September, one thousand seven hundred and eighty-nine, and "An act in addition to the act, entitled 'An act to establish the judicial courts of the United States,'" approved the second of March, one thousand seven hundred and ninety-three, was vested in the court of Kentucky district. And writs of error and appeal from the decisions in the said superior courts, authorized by this section of this act, shall be made to the Supreme Court of the United States, in the same cases, and under the same regulations, as from the circuit courts of the United States. The clerks, respectively, shall keep the records at the places where the courts are held, and shall receive, in all cases arising under the laws and Constitution of the United States, the same fees which the clerk of the Kentucky district received for similar services, whilst that court exercised the powers of the circuit and district courts.

SEC. 9. *And be it further enacted*, That there shall be appointed two persons, learned in the law, to act as attorneys of the United Statrs, as well as for the Territory: one for that part of the Territory known as East Florida, the other for that part of the Territory known as West Florida; to each of whom, in addition to their stated fees in civil cases, shall be paid, as a full compensation for all extra services, annually, the sum of two hundred dollars. There shall also be appointed two marshals, one for each of the said superior courts, who shall, each, perform the same duties, be subject to the same regulations and penalties, and be entitled to the same fees, to which marshals in other districts are entitled for similar services; and shall, in addition, be paid the sum of two hundred dollars, annually, as a compensation for extra services, and shall also be subject to such regulations and penalties as the Legislative Council shall impose, while acting under, and in virtue of, the territorial laws.

SEC. 10. *And be it further enacted*, That the Governor, secretary, judges of the superior courts, district attorneys, marshals, and all general officers of the militia, shall be appointed by the President of the United States, by and with the advice and consent of the Senate. All judicial officers shall hold their offices for the term of four years, and no longer. The Governor, secretary, judges, members of the Legislative Council, justices of the peace, and all other officers, civil and of the militia, before they enter upon the duties of their respective offices, shall take an oath, or affirmation, to support the Constitution of the United States, and for the faithful discharge of the duties of their office, before a judge of the Supreme or district court of the United States, or before a judge or justice of the peace of the Territory. The Governor shall receive an annual salary of two thousand five hundred dollars; the secretary, of one thousand five hundred; and the judges, of fifteen hundred, each; to be paid quarterly, out of the Treasury of the United States. The members of the Legislative Council shall receive three dollars, each, per day, during their attendance in council, and three dollars for every twenty miles in going to, and returning from, any meeting of the Legislative Council, once in each session, and no more. The members of the Legislative Council shall be privileged from arrest, except in cases of treason, felony, or breach of the peace, during their going to, attendance at, and returning from, each session of said Council.

SEC. 11. *And be it further enacted*, That the laws of the United States relating to the revenue and its collection, subject to the modification stipulated by the fifteenth article of the treaty of the twenty-second of February, one thousand eight hundred and nineteen, in favor of Spanish vessels and their cargoes, and all other public acts of the United States, not inconsistent or repugnant to the provisions of this act, now in force, or which may

hereafter be in force, shall extend to, and have full force and effect in, the Territory aforesaid.

SEC. 12. *And be it further enacted*, That, to the end that the inhabitants may be protected in their liberty, property, and religion, no law shall ever be valid which shall impair, or in anywise restrain, the freedom of religious opinions, professions, and worship. They shall be entitled to the benefit of the writ of habeas corpus. They shall be bailable in all cases, except for capital offences, where the proof is evident or the presumption great; all fines shall be moderate, and proportionate to the offence, and excessive bail shall not be required, nor cruel or unusual punishments inflicted; no ex post facto law, or laws impairing the obligation of contracts, shall ever be passed; nor shall private property be taken for public uses without just compensation.

SEC. 13. *And be it further enacted*, That all free male white persons, of full age, who are housekeepers, and who shall have resided one year in the said Territory, shall be qualified to act as grand and petit jurors in the courts of the said Territory; and they shall, until the Legislature thereof shall otherwise direct, be selected in such manner as the judges of the said courts shall respectively prescribe, so as to be most conducive to an impartial trial, and be least burdensome to the inhabitants of the said Territory.

SEC. 14. *And be it further enacted*, That it shall not be lawful for any person or persons to import, or bring into the said Territory, from any port or place without the limits of the United States, or cause or procure to be so imported or brought, or knowingly to aid or asssist in so importing or bringing any slave or slaves; and any person so offending, and being thereof convicted, before any court within the said Territory, having competent jurisdiction, shall forfeit and pay, for each and every slave so imported or brought, the sum of three hundred dollars; one moiety for the use of the United States, and the other moiety for the use of the person or persons who shall sue for the same; and every slave, so imported, or brought, shall, thereupon, become entitled to, and receive, his or her freedom.

SEC. 15. *And be it further enacted*, That the citizens of the said Territory shall be entitled to one Delegate to Congress for the said Territory, who shall possess the same powers heretofore granted to the Delegates from the other Territories of the United States: *Provided*, That no person shall be eligible for that office who shall not have resided at least twelve months in the said Territory. The Delegate shall be elected by such description of persons, at such times, and under such regulations, as the Governor and Legislative Council may, from time to time, ordain and direct, soldiers of the United States excepted, who shall, under no circumstances, be qualified to vote.

SEC. 16. *And be it further enacted*, That an act, entitled "An act for the establishment of a territorial government in Florida," be and the same is hereby repealed, so far as the same is inconsistent with the provisions of this act; and that the proceedings of the last session of the Legislative Council of Florida be and the same are hereby confirmed, to remain in full force and effect until the end of the next session of the said Council, unless sooner altered, modified, or repealed, with the exception of all revenue laws imposing taxes on the inhabitants or their property, and the law authorizing the Governor to borrow five thousand dollars on the credit of the said Territory, and the law establishing county courts, which are hereby declared null and void: *Provided*, That no loan of money already made or obtained, under said law, shall be affected by this act, and that the act approved the second of September, one thousand eight hundred and twenty-two, by the Governor, repealing all the laws and ordinances in force in the said Territory, shall be, and is hereby, declared to have effect on the day of its passage by the Legislative Council, and not of its approval by the Governor.

Approved, March 3, 1823.

An Act amending, and supplementary to, the "Act for ascertaining claims and titles to land in the Territory of Florida," and to provide for the survey and disposal of the public lands in Florida.

Be it enacted, &c., That the powers of the Board of Commissioners heretofore appointed, for ascertaining claims and titles to lands in the Territory of Florida, shall be confined, exclusively, to the examination of titles and claims in that portion of the said Territory, heretofore known as West Florida; and that for ascertaining titles and claims in East Florida, the President is hereby authorized, in the recess of the Senate, to appoint three commissioners, which appointments shall be of force until the end of the next session of Congress thereafter, who may appoint their secretary, and who, with their secretary, shall, within the district of East Florida, possess all the powers given by, perform all the duties required, and shall, in all respects, be subject to, the provisions of the act of the eighth of May, one thousand eight hundred and twenty-two, entitled "An act for ascertaining claims and titles to lands in the Territory of Florida," except so far as the same is altered or changed by the provisions of this act; which Board of Commissioners, heretofore appointed, with that hereafter appointed, shall hold their sessions, severally, at the place within their respective districts, heretofore designated by law; but may adjourn to some other convenient place within their district, and may continue their sessions until the second Monday in February next, when they shall make a return of their proceedings to the Secretary of the Treasury, to be laid before Congress.

SEC. 2. *And be it further enacted*, That, in the examination of titles to land before either of said Boards of Commissioners, the claimant or claimants shall not be required to produce in evidence the deraignment of title from the original grantee or patentee, but the Commissioners shall confirm every claim in favor of actual settlers at the time of cession of the said Territory to the United States, where the quantity claimed does not ex-

ceed three thousand five hundred acres, where such deraignment cannot be obtained, the validity of which has been recognised by the Spanish Government, and where the claimant or claimaints shall produce satisfactory evidence of his, her, or their right to the land claimed: And said Commissioners shall have the power, any law to the contrary notwithstanding, of deciding on the validity of all claims derived from the Spanish Government in favor of actual settlers, where the quantity claimed does not exceed three thousand five hundred acres.

Sec. 3. *And be it further enacted*, That each of the Commissioners heretofore appointed, who has performed, and shall hereafter perform, the duties assigned him, shall receive compensation in proportion to that heretofore allowed him. And each of the Commissioners hereafter appointed for East Florida, who shall actually perform the duties assigned him, shall receive the sum of two thousand dollars, as a full compensation, payable quarterly, from the Treasury of the United States.

Sec. 4. *And be it further enacted*, That it shall be the duty of the district attorneys for said districts respectively, whenever required to do so by the commissioners within his district, to attend them for the purpose of arguing and explaining any points of law that may be deemed necessary to be examined; and said attorney shall be entitled to the same compensation therefor as when attending on the district court of said Territory.

Sec. 5. *And be it further enacted*, That all claims not filed with the commissioners of the district, where the land claim is situated, in the manner prescribed by the act to which this is an amendment, on or before the first day of December next, shall be held to be void, and of none effect.

Sec. 6. *And be it further enacted*, That it shall be the duty of the marshal to execute and make return of all process which may be issued by the said commissioners, or the commissioners may, where they deem it necessary, authorize and empower any other person to execute and return said process.

Sec. 7. *And be it further enacted*, That so soon as the commissioners shall have decided and reported on the private claims, in said Territory of Florida, a surveyor shall be appointed for the Territory of Florida, who shall keep his office at such place, within the said Territory, as the President of the United States shall designate; and shall receive the sum of two thousand dollars, payable quarterly, at the Treasury of the United States.

Sec. 8. *And be it further enacted*, That, for the disposal of the lands of the United States, lying in the district of East Florida, a land office shall be established and kept at such place, within said district, as the President of the United States shall direct; and that, for the disposal of the lands of the United States lying in the district of West Florida, a land office shall be established at such place, in said district, as the President of the United States shall direct.

Sec. 9. *And be it further enacted*, That, so soon as, in the opinion of the President of the United States, there shall be a sufficient quantity of the public lands surveyed, within either of the districts of East or West Florida, to authorize the opening of one or both of the land offices aforesaid, he shall cause the same to be opened, and shall proceed, from time to time, to appoint, with the advice and consent of the Senate, for each of the said offices, a register and receiver of the public moneys, who shall give security, in the same sums, and in the same manner, and whose compensation, emoluments, duties, and authority, shall, in every respect, be the same, in relation to the lands to be disposed of at their offices, as are or may be provided by law in relation to the registers and receivers of public moneys, in the several land offices established for the disposal of the public lands of the United States.

Sec. 10. *And be it further enacted*, That, whenever a land office shall have been established in either of the districts aforesaid, and a register and receiver of public moneys appointed for the same, the President of the United States shall be, and he is hereby, authorized to direct so much of the public lands, lying in such district, as shall have been surveyed according to law, to be offered for sale, in the same manner, and with the same reservations and exceptions, and on the same terms and conditions, in every respect, as have been, or may hereafter be, provided for the sale of the public lands of the United States.

Sec. 11. *And be it further enacted*, That an entire township, in each of the districts of East and West Florida, shall be reserved from sale, for the use of a seminary of learning, to be located by the Secretary of the Treasury.

Sec. 12. *And be it further enacted*, That all the navigable rivers and waters in the districts of East and West Florida, shall be, and forever remain, public highways.

Sec. 13. *And be it further enacted*, That so much of the act, approved the eighth day of May, one thousand eight hundred and twenty-two, entitled "An act for ascertaining claims and titles to land in the Territory of Florida," as is inconsistent with the provisions of this act, be, and the same is hereby, repealed; and so much thereof as provides for the appointment of a Surveyor General, and allows him to charge fees, is hereby repealed.

Approved, March 3, 1823.

An Act providing for the execution of the titles to land in that part of the State of Louisiana situated between the Rio Hondo and the Sabine river, &c.

Be it enacted, &c., That all that tract of country situated between the Rio Hondo and Sabine river, within the State of Louisiana, and previously to the treaty of the twenty-second of February, one thousand eight hundred and nineteen, between the United States and Spain, called the neutral territory, be, and the same is hereby, attached to the district south of Red river; and the register and receiver of the land office, in said district, are required to receive and record all written evidences of claim to land in said tract of country,

derived from, and issued by, the Spanish Government of Texas, prior to the twentieth day of December, one thousand eight hundred and three, according to the regulations, as to the granting of lands, the laws and ordinances of said Government, and to receive and record all evidences of claim, founded on occupation, habitation, and cultivation, designating particularly the time and manner in which each tract was occupied, inhabited, or cultivated, prior to, and on, the twenty-second February, eighteen hundred and nineteen, and the continuance thereof subsequent to that time, with the extent of the improvement on each tract, and to receive and record such evidence as may be produced, touching the performance of the conditions required to be performed by any holder of any grant, concession, warrant, or order of survey, or other written evidence of claim, and on which the validity of such claim may have depended under the Government from which it emanated, and to receive and record all evidence of fraud in obtaining or issuing the written evidence of such claims, and of their abandonment or forfeiture.

SEC. 2. *And be it further enacted*, That the register and receiver, as aforesaid, shall transmit to the Secretary of the Treasury a complete record of all the claims presented to them under this act, and the evidence appertaining to each claim, and shall also make out and transmit to the Secretary of the Treasury an abstract containing the whole number of claims, in four distinct classes, the first of which shall contain a specification of the nature and extent of complete titles, the time when, and by whom, issued, and to whom, with the date of any transfer, the name of the person transferring, and to whom transferred, and where the conditions of such grant or patent have been complied with; the second shall contain all claims founded on written evidence, and not embraced in the first class, and where the conditions on which the perfection thereof into complete titles may have depended, according to the laws and ordinances of the Spanish Government, are shown to have been complied with; the third class shall consist of claims founded on habitation, occupation, or cultivation, previously to twenty-second of February, one thousand eight hundred and nineteen, and in the manner which would have entitled the claimants to a title under the Government exercising the sovereign power over that tract of country, and which, in their opinion, ought to be confirmed; the fourth class shall consist of those claims which, in the opinion of the register and receiver, ought not to be confirmed: *Provided*, That nothing contained in this act shall be considered as a pledge on the part of Congress to confirm any claim thus reported.

SEC. 3. *And be it further enacted*, That it shall be the duty of the register and receiver aforesaid, after suitable notice to claimants, of the time and place of their meeting, and the object thereof, be given by them, to hold their session at Natchitoches, so long as may be necessary for the performance of the duties herein prescribed, and shall be allowed the sum of five hundred dollars each, as a full compensation for the services required to be performed by this act.

Approved, March 3, 1823.

An Act making appropriations for the support of Government, for the year one thousand eight hundred and twenty-three.

Be it enacted, &c., That the following sums be, and the same are hereby, respectively, appropriated for the service of the year one thousand eight hundred and twenty-three; that is to say:

For compensation to the officers and attendants of the Senate and House of Representatives, twenty-nine thousand two hundred dollars.

For expenses of fuel, stationery, printing, and all other contingent expenses of the two Houses of Congress, forty thousand dollars.

For the expenses of the Library of Congress, including the salary of the Librarian, one thousand nine hundred and fifty dollars.

For the gradual increase of the Library, two thousand dollars.

For compensation to the President of the United States, twenty-five thousand dollars.

For compensation to the Vice President of the United States, five thousand dollars.

For compensation to the Secretary of State, six thousand dollars.

For compensation to the clerks in the Department of State, per act of the twentieth of April, one thousand eight hundred and eighteen, fifteen thousand nine hundred dollars.

For compensation to the messengers in said department, including the messenger in the Patent Office, one thousand four hundred dollars, in full of all allowances.

For the incidental and contingent expenses of the Department of State, including the expenses of printing the laws, and for extra copying of papers, eighteen thousand eight hundred dollars.

For preparing and reporting an additional Commercial Digest, pursuant to a resolution of the House of Representatives, of the twenty-first January, one thousand eight hundred and twenty-three, one thousand dollars.

For compensation to the Secretary of the Treasury, six thousand dollars.

For compensation to the clerks in the office of the Secretary of the Treasury, per act of twentieth of April, one thousand eight hundred and eighteen, ten thousand four hundred dollars.

For an additional clerk in said office, from first of July, one thousand eight hundred and twenty-two, to thirty-first of December, one thousand eight hundred and twenty-three, one thousand seven hundred and twenty-five dollars.

For compensation to the messengers in said office, one thousand and fifty dollars, in full of all allowances.

For compensation to the First Comptroller of the Treasury, three thousand five hundred dollars.

For compensation to the clerks in the office of the First Comptroller, per act of twentieth of April, one thousand eight hundred and eighteen, seventeen thousand eight hundred and fifty dollars.

For compensation to the messengers in said office, one thousand and fifty dollars, in full of all allowances.

For compensation to the Second Comptroller of the Treasury, three thousand dollars.

For compensation to the clerks in the office of the Second Comptroller, per act of the twentieth of April, one thousand eight hundred and eighteen, nine thousand seven hundred and fifty dollars.

For compensation to the messenger in said office, seven hundred dollars, in full of all allowances.

For compensation to the First Auditor of the Treasury, three thousand dollars.

For compensation to the clerks in the office of the First Auditor of the Treasury, per act of twentieth of April, one thousand eight hundred and eighteen, fifteen thousand two hundred dollars.

For compensation to the messenger in said office, seven hundred dollars, in full of all allowances.

For compensation to the Second Auditor of the Treasury, three thousand dollars.

For compensation to the clerks in the office of the Second Auditor, sixteen thousand two hundred dollars.

For compensation to the messenger in said office, seven hundred dollars, in full of all allowances.

For compensation to the Third Auditor of the Treasury, three thousand dollars.

For compensation to the clerks in the office of the Third Auditor, twenty-three thousand three hundred and fifty dollars.

For compensation to the messenger and assistant in said office, one thousand and fifty dollars, in full of all allowances.

For compensation to the Fourth Auditor of the Treasury, three thousand dollars.

For compensation to the clerks in the office of the Fourth Auditor, per act of twentieth of April, one thousand eight hundred and eighteen, fifteen thousand and fifty dollars.

For compensation to the messenger in said office, seven hundred dollars, in full of all allowances.

For compensation to the Fifth Auditor of the Treasury, three thousand dollars.

For compensation to the clerks in the office of the Fifth Auditor, per act of the twentieth of April, one thousand eight hundred and eighteen, ten thousand five hundred dollars.

For two clerks, to complete the duties of the Commissioner of the Revenue, transferred to the office of the Fifth Auditor, two thousand five hundred and fifty dollars.

For one clerk, on the business of the agent of the Treasury, transferred to the office of the Fifth Auditor, one thousand one hundred and fifty dollars.

For compensation to the messenger in said office, seven hundred dollars, in full of all allowances.

For compensation to the Treasurer of the United States, three thousand dollars.

For compensation to the clerks in the office of the Treasurer, per act of the twentieth of April, one thousand eight hundred and eighteen, five thousand two hundred and fifty dollars.

For compensation to an additional clerk, and also for an assistant to the chief clerk, as allowed since first of January, one thousand eight hundred and nineteen, twelve hundred dollars.

For compensation to the messenger in said office, seven hundred dollars, in full of all allowances.

For compensation to the Commissioner of the General Land Office, three thousand dollars.

For compensation to the clerks in the office of said Commissioner, per act of twentieth of April, one thousand eight hundred and eighteen, twenty-two thousand five hundred and fifty dollars.

For compensation to the messenger in said office, and pay of a laborer, nine hundred and forty dollars, in full of all allowances.

For compensation to the Register of the Treasury, three thousand dollars.

For compensation to the clerks in the office of the Register, per act of twentieth of April, one thousand eight hundred and eighteen, twenty-two thousand three hundred and fifty dollars.

For compensation to the messenger, including allowance for stamping ships' registers, eight hundred dollars, in full of all allowances.

For an assistant messenger in said office, three hundred and fifty dollars, in full of all allowances.

For compensation to the Secretary of the Commissioners of the Sinking Fund, two hundred and fifty dollars.

For allowance to the person employed in transmitting passports and sea letters; for expense of translating foreign languages, in the office of the Secretary of the Treasury; for stationery, fuel, printing, and all other incidental and contingent expenses in the Treasury Department, and the several offices therein, including the expenses of stating and printing the public accounts for the year one thousand eight hundred and twenty-three, thirty thousand three hundred dollars.

For allowance to the superintendent and four watchmen, employed for the security of the State and Treasury Buildings; for the repairs of engines, hose, and buckets, one thousand nine hundred dollars.

For compensation to the Secretary of War, six thousand dollars.

For compensation to the clerks in the office of the Secretary of War, twenty-two thousand six hundred dollars.

For compensation to the messengers in said office, one thousand and fifty dollars, in full of all allowances.

For compensation to the Paymaster General, two thousand five hundred dollars.

For compensation to the clerks in the office of the Paymaster General, three thousand one hundred dollars.

For compensation to the messenger in said office, seven hundred dollars, in full of all allowances.

For compensation to the Commissary General of Purchases, three thousand dollars.

For compensation to the clerks in the office of the Commissary General of Purchases, two thousand eight hundred dollars.

For compensation to the messenger in said office, seven hundred dollars, in full of all allowances.

For compensation to the clerks in the office of the Adjutant General, two thousand one hundred and fifty dollars.

For compensation to the clerks in the Ordnance Office, two thousand nine hundred and fifty dollars.

For compensation to the clerks in the office of the Commissary General of Subsistence, two thousand one hundred and fifty dollars.

For compensation to the clerks in the office of the Chief Engineer, two thousand one hundred and fifty dollars.

For compensation to the clerk in the Surgeon General's office, one thousand one hundred and fifty dollars.

For the contingent expenses of the War Department, including fuel, stationery, &c., six thousand dollars.

For compensation to the Secretary of the Navy, six thousand dollars.

For compensation to the clerks in the office of the Secretary of the Navy, per act of the twentieth of April, one thousand eight hundred and eighteen, eight thousand two hundred dollars.

For compensation to the messengers in said office, one thousand and fifty dollars, in full of all allowances.

For the contingent expenses of said office, two thousand dollars.

For compensation to the Commissioners of the Navy Board, ten thousand five hundred dollars.

For compensation to the Secretary of the Commissioners of the Navy Board, two thousand dollars.

For compensation to the clerks in the office of the Commissioners of the Navy Board, per act of twentieth April, one thousand eight hundred and eighteen, three thousand five hundred and fifty dollars.

For compensation of three clerks and a draughtsman, as allowed by the acts of appropriation since the first of January, one thousand eight hundred and nineteen, four thousand dollars.

For compensation to the messenger in said office, seven hundred dollars, in full of all allowances.

For contingent expenses of said office, seventeen hundred dollars.

For allowance to the superintendent and four watchmen, employed for the security of the War and Navy buildings, and for the incidental and contingent expenses, including oil, fuel, and candles, two thousand and sixty-eight dollars.

For compensation to the Postmaster General, four thousand dollars.

For compensation to two Assistant Postmasters General, five thousand dollars.

For compensation to the clerks in the General Post Office, per act of twentieth of April, one thousand eight hundred and eighteen, twenty-two thousand seven hundred dollars.

For additional clerk hire, and other expenses in the General Post Office, for the year one thousand eight hundred and twenty-two, three thousand four hundred and eighty-one dollars and ninety-eight cents.

For the salaries of two additional clerks in the General Post Office, one thousand six hundred dollars.

For compensation to the messengers in said office, one thousand and fifty dollars, in full of all allowances.

For contingent expenses of said office, four thousand dollars.

For compensation to the Surveyor General, two thousand dollars.

For compensation to the clerks in the office of the Surveyor General, two thousand one hundred dollars.

For compensation to the surveyor south of Tennessee, two thousand dollars.

For compensation to the clerks in the office of the said surveyor, one thousand seven hundred dollars.

For compensation to the surveyor in Illinois, Missouri, and Arkansas, two thousand dollars.

For compensation to the clerks in the office of the said surveyor, two thousand dollars.

For compensation to the surveyor in Alabama, two thousand dollars.

For compensation to the clerks in the office of the said surveyor, one thousand five hundred dollars.

For compensation to the Commissioner of the Public Buildings at Washington city, one thousand five hundred dollars.

For compensation to the late Commissioner of Loans in Georgia, from the second of September, one thousand eight hundred and eight, to the thirteenth of June, one thousand eight hundred and ten, and for printing and stationery, as settled at the Treasury, one thousand three hundred and sixty-five dollars, seventy-two cents.

For compensation to the officers and clerk of the Mint, nine thousand six hundred dollars.

For persons employed in the different operations of the Mint, ten thousand dollars.

For incidental and contingent expenses and repairs; cost of machinery; and for allowance of wastage in the gold and silver coinage of the Mint, ten thousand one hundred and fifty dollars.

For compensation to the Governor, Judges, and Secretary, of the Arkansas Territory, six thousand six hundred dollars.

For the contingent expenses of the Arkansas Territory, three hundred and fifty dollars.

For compensation to the Governor, Judges, and Secretary of the Michigan Territory, six thousand six hundred dollars.

For the contingent expenses of the Michigan Territory, three hundred and fifty dollars.

For compensation to the Governor, Judges, and Secretary, of the Florida Territory, including arrearages for the year one thousand eight hun-

dred and twenty-two, eleven thousand six hundred and forty-nine dollars and seventy cents.

For compensation and travelling expenses of the members of the Legislative Council, and for the contingent expenses of the Territory, including arrearages for the year one thousand eight hundred and twenty-two, thirteen thousand three hundred and eighty-six dollars and fifty-four cents.

For compensation to three Commissioners to settle land claims in said Territory, including arrearages for the year one thousand eight hundred and twenty-two, nine thousand eight hundred and ninety dollars and eleven cents.

For compensation to the Chief Justice, the Associate Judges, and District Judges, of the United States, including the Chief Justice and Associate Judges of the District of Columbia, seventy-eight thousand four hundred dollars.

For compensation to the Attorney General of the United States, three thousand five hundred dollars.

For compensation to the clerk in the office of the Attorney General, eight hundred dollars.

For compensation to the Reporter of the decisions of the Supreme Court, one thousand dollars.

For compensation to sundry District Attorneys and Marshals as granted by law, including those in the several Territories, nine thousand nine hundred and seventy-three dollars and sixty-three cents.

For defraying the expenses of the Supreme, Circuit, and District Courts of the United States, including the District of Columbia, and of jurors and witnesses, in aid of the funds arising from fines, penalties, and forfeitures, and for defraying the expenses of prosecutions for offences against the United States, and for the safekeeping of prisoners, sixty-five thousand dollars.

For the payment of sundry pensions, granted by the late and present governments, two thousand two hundred and fifty dollars.

For the support and maintenance of lighthouses, beacons, buoys, and stakeages, including the purchase of oil, keepers' salaries, repairs, and improvements, and contingent expenses, one hundred and two thousand four hundred and forty-one dollars and sixty-five cents.

For procuring and placing three buoys on the bar near the port of Georgetown, South Carolina, in addition to the sum heretofore appropriated for that object, six hundred dollars.

For surveying the public lands of the United States, one hundred and ninety-seven thousand dollars.

For carrying on the centre building of the Capitol, one hundred thousand dollars.

For payment to John Trumbull, for paintings commemorative of the most important events of the Revolution, six thousand dollars.

For stationery and books for the offices of Commissioners of Loans, six thousand and thirty-five dollars and ninety-three cents.

For the discharge of such miscellaneous claims against the United States, not otherwise provided for, as shall be admitted in due course of settlement at the Treasury, six thousand dollars.

For the salaries of the Ministers of the United States to London, Paris, St. Petersburg, Lisbon, and Madrid, with the salaries of their several Secretaries of Legation, and the salaries of the Chargé d'Affaires at the Hague and at Stockholm, sixty-four thousand dollars.

For the contingent expenses of those missions, ten thousand dollars.

For the salaries of the agents of claims at London and Paris, eight thousand dollars.

For the salaries of the commissioners, secretary, clerk, and messenger, together with the contingent expenses of the commission under the eleventh article of the treaty with Spain, of the twenty-second of February, one thousand eight hundred and nineteen, eighteen thousand dollars.

For expenses of carrying into effect the fifth, sixth, and seventh articles of the Treaty of Ghent, concluded on the twenty-fourth of December, one thousand eight hundred and fourteen, including the compensation of the commissioners, agents, and surveyors, and their contingent expenses, sixteen thousand dollars.

For the Corporation of the City of Washington, to reimburse the said Corporation a just portion of the expense of making streets and other improvements adjoining the public property, five thousand dollars.

For carrying into execution the convention recently ratified, relating to the slaves carried away in contravention to the first article of the Treaty of Ghent, twenty thousand dollars.

For surveying and marking the boundary line between the State of Missouri and Territory of Arkansas, the sum of three thousand dollars, to be expended under the direction of the Secretary of the Treasury.

Sec. 2. *And be it further enacted*, That the several sums hereby appropriated shall be paid out of any money in the Treasury not otherwise appropriated: *Provided, however*, That no money appropriated by this act shall be paid to any person for his compensation who is in arrears to the United States, until such person shall have accounted for and paid into the Treasury all sums for which he may be liable: *Provided, further*, That nothing in this section contained shall extend to balances arising solely from the depreciation of Treasury notes received by such person, to be expended in the public service, or to the appropriation for compensation to the Vice President of the United States; but in all cases where the pay or salary of any person is withheld in pursuance of this act, it shall be the duty of the accounting officer, if demanded by the party, his agent or attorney, to report forthwith to the agent of the Treasury Department the balance due; and it shall be the duty of the said agent, within sixty days thereafter, to order suit to be commenced against such delinquent and his sureties.

Approved, March 3, 1823.

An Act making appropriations for the support of the Navy of the United States, for the year one thousand eight hundred and twenty-three.

Be it enacted, &c., That, for defraying the expenses of the Navy for the year one thousand eight hundred and twenty-three, the following sums be, and the same are hereby, respectively appropriated:

For the pay and subsistence of the officers, and pay of the seamen, nine hundred and twenty-nine thousand five hundred and three dollars and twelve cents, including the sum of twenty-six thousand eight hundred and eighty-six dollars, for six months' pay for the petty officers, able seamen, ordinary seamen, and boys, required for a frigate of forty-four guns.

For provisions, two hundred and twenty thousand dollars.

For medicines, hospital stores, and all expenses on account of the sick, twenty thousand dollars.

For the repairs of vessels, three hundred and fifty thousand dollars.

For the improvement of navy yards, docks, and wharves, eighty-two thousand dollars.

For ordnance and ordnance stores, including small arms, manufacture of powder, &c., twenty thousand dollars.

For pay of superintendents, naval constructors, storekeepers, inspectors of timber, clerks of the yards, and artificers, forty-four thousand six hundred and fifty dollars, including the sum of four thousand one hundred dollars, to cover a deficiency in the appropriation of the year eighteen hundred and twenty-two.

For laborers and teams employed in loading and unloading vessels, piling, docking, and removing timbers, stores, &c., and fuel for the engine, thirty thousand dollars, including the sum of ten thousand dollars to cover a deficiency in the appropriation of the year eighteen hundred and twenty-two.

For contingent expenses, two hundred and twenty thousand dollars.

For erecting and completing houses over ships in ordinary, for their preservation from the weather, eighty thousand dollars.

For the construction of a dock and wharves, in connexion with the inclined plane erected at the navy yard in Washington, fifty thousand dollars.

For pay and subsistence of the Marine Corps, one hundred and seventy-six thousand four hundred and seventy-four dollars.

For clothing for the same, twenty-nine thousand dollars.

For fuel for the non-commissioned officers, musicians, and privates, six thousand eight hundred and fifty-seven dollars and fifty cents.

For contingent expenses of the same—that is to say: fuel for the commissioned officers, bed sacks, repairing barracks, transportation, and travelling expenses to officers, postage of letters, armorers, and armorers' tools, and stationery, with extra rations to officers, fourteen thousand dollars.

To enable the President of the United States to carry into effect the act, entitled "An act in addition to the acts prohibiting the slave trade," fifty thousand dollars.

For shot, shells, and military stores, being the amount of the unexpended balance of appropriations for previous years, four thousand and thirty-five dollars and ninety-five cents.

For military stores of the marine corps, being the amount of the unexpended balance of appropriations for previous years; ten thousand five hundred dollars and thirty-five cents.

Sec. 2. *And be it further enacted*, That the several sums hereby appropriated, shall be paid out of any money in the Treasury not otherwise appropriated: *Provided, however*, That no money appropriated by this act shall be paid to any person, for his compensation, who is in arrears to the United States, until such person shall have accounted for, and paid into the Treasury, all sums for which he may be liable: *Provided, further*, That nothing in this section contained, shall extend to balances arising solely from the depreciation of Treasury notes, received by such person to be expended in the public service; but in all cases where the pay or salary of any person is withheld, in pursuance of this act, it shall be the duty of the accounting officer, if demanded by the party, his agent, or attorney, to report forthwith to the agent of the Treasury Department the balance due; and it shall be the duty of the said agent, within sixty days thereafter, to order suit to be commenced against such delinquent and his sureties.

Approved, March 3, 1823.

An Act to discontinue certain post roads, and to establish others.

Be it enacted, &c., That the following post routes be discontinued, to wit:

In Massachusetts.—From Monson to Palmer.

From Brimfield to Sturbridge.

In Rhode Island.—From Providence to Chepachet, in Gloucester.

In Pennsylvania.—From Greersburg, in Beaver county, through Mount Jackson, Newcastle, and Mercer, to Franklin.

In North Carolina.—So much of the route from Warrenton, North Carolina, to Edenton, as lies between Halifax and Murfreesborough.

The route from Tarborough to Scotland Neck, and from Stantonsburg to Fayetteville.

In Kentucky.—From Bowling Green to Corydon, in Indiana.

In Tennessee.—From Lebanon to Mount Richardson.

In Ohio.—From Chillicothe, through Wilmington, in Clinton county, and Lebanon, in Warren county, to Cincinnati.

In the Floridas.—From Pensacola to St. Mark's, thence to Vollutia Dexter's, on St. John's river, and thence to St. Augustine.

Sec. 2. *And be it further enacted*, That the following mail routes shall be, and the same are hereby, established, to wit:

In Maine.—From Scowhegan bridge, in Canaan, Somerset county, passing through Madison and Solon, to Solon post-office.

From the town of Harmony, in the county of Somerset, through Ripley, Parkman, Sangerville, Guilford, Foxcraft, and Dover, to Sebee, in the county of Penobscot.

From Belfast to Frankfort, through Swanville and Monroe, in lieu of the present route, which is hereby repealed.

In Massachusetts.—From Springfield, through Wilbraham, Monson, Brimfield, Sturbridge, and Southbridge, to Thompson, in Connecticut, and thence through Chepachet, to Providence, in Rhode Island.

In Connecticut.—From Spencer's corner, in Northeast, Dutchess county, New York, by the Meetinghouse, in Salisbury, to the post-office in North Canaan.

In New Hampshire.—From Hancock, through Stoddart, to Marlow.

From Crawford's, in Nash and Sawyer's location, to Littleton post-office.

In Vermont.—From Poultney to Whitehall, in New York.

In New York.—From Almond, by Alfred, to Independence, in Allegany county.

From Wayne, Steuben county, to Trumansburgh, in Tompkins county.

From Buffalo, in Erie, to Olean, in the county of Cataragus, passing through the towns of Hamburgh, Boston, Concord, and Ellicottsville.

From Elliott's, by Royalton, to Hartland post-office.

From the village of Greene, in Chenango county, to Cincinnatus, in Courtland county, passing through the Big Flats, in the town of Smithfield, and Livermore's tavern, in Germantown.

From Morgansville, at the mouth of the Tonewonta creek, in Niagara county, to Lockport.

From Potsdam, on the turnpike, by Canton, to Ogdensburg, on the mail route from Plattsburg, by Malone, to Ogdensburg.

From Albany to Rensselaerville, through the towns of Bethlehem and Burn, to intersect the post road from Albany to Susquehanna, by the way of the Delaware turnpike, to Milfordville.

In Pennsylvania.—From the city of Lancaster, along the White House road, to where it intersects the State road leading from Westchester to McCall's ferry.

From Kimberton to the Yellow Springs.

From Greersburgh, in Beaver county, through Mount Jackson and Newcastle, to Harlemburg.

From Warren, in the county of Warren, to Olean, in New York; to pass by the mouth of Great Valley and Kinkum creeks.

From Mercer, in the county of Mercer, to Franklin, in the county of Venango.

From the South Branch of Towando creek, in Bradford county, by way of the Susquehannah and Tioga turnpike, to Elmira, in the State of New York.

From Allentown, Lehigh county, through Heidelburg township, to Mauchchunk, in Northampton county.

In New Jersey.—From Flagtown to Somerville.

From Trenton, by Allentown and Crosswick, to Bordentown.

In Virginia.—From Fredericksburg, by Danielsburg, Orange Springs, and River Bank, to Orange Courthouse.

That the route from Lombardy Grove, in Mecklenburg county, do pass by Hakinton and Langley's old store, to St. Tammany, in said county.

That the route from Richmond to King and Queen Courthouse, do pass through Walkerton and Stevensville.

From Giles' Courthouse, by Charles Dingess's, Samuel Park's, and Shoemate's, the Falls of Guyandotte, to Barbersville, in Cabell county.

From Boon's, in Montgomery, to Grayson Courthouse.

From Hull's Store, in Pendleton, to the Courthouse of Pocahontas.

From New London, to Calland's store, in Pittsylvania, to pass through Leesville, in Campbell county.

From Richmond, along the road called Le Pradt's, by Powhatan Courthouse, to Farmsville, instead of the route now established.

From Richmond, by Chesterfield Courthouse, Mechanics' Inn, Colesville, Wilkinsonville, Genits Bridge, Tunstilville, Cassell's store, Amelia Courthouse, Paineville, and Jamestown, to Farmville, instead of the route now established.

In North Carolina.—From Baltimore, Maryland, by water, to Norfolk, in Virginia; from thence, passing through Murfreesborough, Halifax, and direct to Tarborough; and from thence, through Stantonsburgh and Waynesborough, to Fayetteville, in North Carolina.

That the route from Fayetteville to Wadesborough, be so altered as to pass from Rockingham, by Snudsborough, to Wadesborough, and return by Beard's store, Allentown, Steel's mills, and Morris's store, to Fayettevile.

From Salisbury to Lincolnton and Wilksborough, now established, do return to Salisbury by Sherrell's Ford, Lincoln county, and Mrs. Stewart's, in Iredell county.

In South Carolina.—From Cheraw to Coburn's store, in North Carolina.

From Spartansburg Courthouse to York, by Hancockville, Gandy's store, Hopewell, and Thompson's tan-yard.

In Georgia.—From Monticello to Covington, Newton county, then to Henry Courthouse, then to Monroe Courthouse, and thence to Monticello.

In Tennessee.—From Columbia, by Waynesborough, in Wayne county, Hardinsville, in Hardin county, Perry Courthouse, in Perry county, Lexington, in Henderson county, Carroll Courthouse, in Carroll county, and the town of Jackson, in Madison county, to Memphis, in Shelby county.

From Athens, formerly Mount Pleasant, in the county of McMin, by the way of Columbus, to the Spring Place, on the Georgia road, in the Cherokee nation.

In Kentucky.—From Flemingsburg to Owingsville, to go alternately by its present route and by Poplar Plains, Alexander's mills, on Licking, and thence to Owingsville, instead of the route by Anderson's mills, on said river.

From Burksville to Knoxville, in Tennessee.

From Prestonsburgh, in Floyd county, to the Courthouse in Pike county.

From Perry Courthouse to Mount Pleasant, in Harlan county.

From Bowling Green to Louisville, by Woodsonville, Monfordsville, Elizabeth, and the mouth of Salt river; and that the present route from Louisville to Woodsonville be discontinued, as soon as the route now established is carried into operation.

From Hopkinsville to Eddyville, to go and return by Cadiz instead of by the Rocky Ridge.

In Ohio.—That the route heretofore established from Dayton direct to Troy, shall be so changed as to go by Union, in Montgomery county, and Milton, in Miami county, and then to Troy.

That the route from Williamsburg, the seat of justice of Clermont county, to Lebanon, in Warren county, shall be so altered as to pass through the towns of Goshen, Hopkinsville, and Deerfield.

From Lancaster, through Circleville, in Pickaway county, Washington, in Fayette county, Wilmington, in Clinton county, and Lebanon, in Warren county, to Cincinnati.

From Lebanon, in Warren county, to Hamilton, in Butler county, be continued.

From Indianopolis, in Indiana, to Anderson's Town, by way of William Conner's, once in two weeks.

In Illinois.—From Green Courthouse, by George Cadwell's in Morgan county, to Springfield, in Sangamo county; and from Palestine to the seat of justice, in Clark county, to the seat of justice in Edgar county; and from the seat of justice in Sangamo, to Stephen Stilman's, in Fancy Grove.

From Shawneetown to Hamilton Courthouse.

From Harrisonville, by Converse's mill, Columbia, and Cahokia, to St. Louis, in lieu of the present route from Harrisonville to St. Louis, which is hereby discontinued.

From Carrolton, by the mouth of Apple creek, Ross's settlement in Pike county, in Illinois, to Louisianaville, in Missouri, and from Coles' Grove, in Pike county, to Carrolton; and the route from Alton to Louisianaville is hereby discontinued.

In Alabama.—From Claiborne, by the Tensaw, to Blakely.

From Tuscaloosa to Columbus, by Pickens Courthouse, in lieu of the present route, which is hereby discontinued.

From Greensborough, by Erie, through what is called the Forks of the Tombigbee and Black Warrior rivers, by the Garden Spot, to the Courthouse of Pickens county.

From Cahaba to Greensborough.

From St. Stephen's by the way of Fort Stoddart, to Mobile.

From Fort Dale, by Emmett's store, in Butler county, to Cahaba.

From Hartford, in the State of Georgia, by Early Courthouse, Attawa's store, in Henry county, Alabama, Pike and Covington Courthouses, to Sparta, and that the route heretofore established, from Fort Hawkins, by Fort Gaines, to Conicu Courthouse, be discontinued.

In Missouri.—From St. Louis, to Boonville, by Winchester, Ninian Hamilton's in the western part of St. Louis county; Newport, the seat of justice for Franklin county, Gasconade, the seat of justice of Gasconade county, the city of Jefferson, the seat of government of the State; and Marion, the seat of justice for Cole county.

In Michigan Territory.—From Detroit, by Pontiac, to the military post at Saganaw.

In the Floridas.—From Pensacola, Picolata on the river St. John's to St. Augustine, the most convenient and practicable route, in the discretion of the Postmaster General.

Sec. 3. *And be it further enacted*, That all waters on which steamboats regularly pass from port to port, shall be considered and established as post roads, subject to the provisions contained in the several acts regulating the Post Office Establishment.

Approved, March 3, 1823.

An Act to continue in force the act, entitled "An act to provide for reports of the decisions of the Supreme Court," passed the third day of March, one thousand eight hundred and seventeen.

Be it enacted, &c., That the Reporter who shall, from time to time, be appointed by the Supreme Court of the United States, to report its decisions, shall be entitled to receive, from the Treasury of the United States, as an annual compensation for his services, the sum of one thousand dollars: *Provided, nevertheless*, The said compensation shall not be paid unless the said Reporter shall print and publish, or cause to be printed and published, the decisions of said Court, made during the time he shall act as such Reporter, within nine months after such decisions shall be made; and shall deliver eighty copies of the decisions, so printed and published, to the Secretary of State, without any expense to the United States; which copies shall be distributed as follows, to wit: to the President of the United States, the Judges of the Supreme Court, the Judges of the District Courts, the Attorney General of the United States, the Secretaries of State, Treasury, War, and Navy, the Comptrollers of the Treasury, and the Judges of the several Territories of the United States, one copy each; five copies for the use of each House of Congress; and the residue of the copies shall be deposited in the Library of Congress.

Sec. 2. *And be it further enacted*, That in case of the death, resignation, or dismission from office, of either of the officers before mentioned, the said copies of the decisions, delivered to them as aforesaid, shall belong to, and be delivered over to, their successors in said offices.

Sec. 3. *And be it further enacted*, That this act shall be, and continue, in force for three years, and no longer.

Approved, March 3, 1823.

An Act to carry into effect the ninth article of the treaty concluded between the United States and Spain, the twenty-second day of February, one thousand eight hundred and nineteen.

Be it enacted, &c., That the Judges of the Supe-

rior Courts established at St. Augustine and Pensacola, in the Territory of Florida, respectively, shall be, and they are hereby, authorized and directed to receive and adjust all claims, arising within their respective jurisdictions, of the inhabitants of said Territory, or their representatives, agreeably to the provisions of the ninth article of the treaty with Spain, by which the said territory was ceded to the United States.

SEC. 2. *And be it further enacted*, That, in all cases in which said Judges shall decide in favor of the claimants, the decisions, with the evidence on which they are founded, shall be, by the said Judges, reported to the Secretary of the Treasury, who, on being satisfied that the same is just and equitable, within the provisions of the said treaty, shall pay the amount thereof to the person or persons in whose favor the same is adjudged, out of any money in the Treasury not otherwise appropriated.

Approved, March 3, 1823.

An Act to amend the Ordinance and Acts of Congress for the government of the Territory of Michigan, and for other purposes.

Be it enacted, &c., That all citizens of the United States, having the qualifications prescribed by the act, entitled "An act authorizing the election of a Delegate from the Michigan Territory to the Congress of the United States, and extending the right of suffrage to the citizens of said Territory," approved February the sixteenth, eighteen hundred and nineteen, shall be entitled to vote at any public election in the said Territory, and shall be eligible to any office therein.

SEC. 2. *And be it further enacted*, That the same powers which were granted to the Governor, Legislative Council, and House of Representatives, of the Northwestern Territory, by the ordinance of Congress, passed on the thirteenth day of July, seventeen hundred and eighty-seven, and which powers are transferred to the Territory of Michigan, by the act, entitled "An act to divide the Indiana Territory into two separate governments," approved January the eleventh, eighteen hundred and five, are hereby conferred upon, and shall be exercised by, the Governor and a Legislative Council; which council shall consist of nine persons, any five of whom shall be a quorum, and who shall serve for the term of two years, and be appointed as follows, to wit: At the next election of the Delegate to Congress from the said Territory, after the passing of this act, the qualified electors shall choose, by ballot, eighteen persons, having the qualifications of electors; and such election shall be conducted, certified, and the result declared, agreeably to the territorial law, prescribing the mode of electing such Delegate. But the time and manner of electing the members of the Legislative Council shall, after the first election, be prescribed by the Legislature of the said Territory; and the names of the eighteen persons, having the greatest number of votes, shall be transmitted by the Governor of said Territory, to the President of the United States, who shall nominate, and by and with the advice and consent of the Senate, appoint, therefrom, the said Legislative Council; and vacancies occurring in the said council shall be filled in the same manner, from the list transmitted as aforesaid: And the President shall have power, in the recess of the Senate, to make the appointments authorized by this act; but all appointments, so made, shall be submitted to the Senate at their next session, for confirmation. The first Legislative Council shall be assembled at such time and place as the Governor shall, by proclamation, designate. No session, in any one year, shall exceed the term of sixty days, nor shall any act passed by the Governor and the Legislative Council be valid, after the same shall have been disapproved by Congress. The members of the Legislative Council shall receive two dollars each, per day, during their attendance at the sessions thereof, and two dollars for every twenty miles in going to, and returning therefrom, in full compensation for their services, and which shall be paid by the United States: *Provided*, That nothing herein contained shall be construed to affect the right of the citizens of said Territory to elect a Delegate to Congress; and the duties required of the Governor and judges by the act referred to in the first section of this act, shall be performed by the Governor and Legislative Council.

SEC. 3. *And be it further enacted*, That the powers and duties of the judges of said Territory shall be regulated by such laws as are, or may be, in force therein; and the said judges shall possess a chancery, as well as common law, jurisdiction. The tenure of office of the said judges shall be limited to four years; and on the first day of February, one thousand eight hundred and twenty-four, and every four years thereafter, the office of each of the said judges shall become vacant: *Provided*, That nothing in this act contained shall be so construed as to deprive the judges of the Territory of the jurisdiction conferred upon them by the laws of the United States.

SEC. 4. *And be it further enacted*, That the Legislature shall have power to submit, at any time, to the people of the said Territory, the question, whether a General Assembly shall be organized agreeably to the provisions of the ordinance aforesaid; and, if a majority of the qualified electors shall be in favor of such organization, then the powers vested by this act in the Legislative Council shall cease and determine, and a General Assembly shall be organized, in conformity with the said ordinance, subject to the following provision: The Governor of the said Territory shall divide the same into five districts, and the qualified voters in each district shall elect one member of the Legislative Council, which shall possess the same powers heretofore granted to the Legislative Council of the Northwestern Territory; and the members of the council shall hold their offices four years; and until there shall be five thousand free white male inhabitants, of twenty-one years and upwards, in said Territory, the whole number of Representatives to the General Assembly shall not be less than seven, nor more than nine, to be apportioned by the Governor to the several coun-

ties in the said Territory, agreeably to the number of free white males above the age of twenty-one years, which they may contain; but after the organization of the General Assembly, the apportionment of the representation shall be made by such assembly: *Provided*, That there shall not be more than twelve, nor less than seven, of the whole number of Representatives, until there shall be six thousand free white male inhabitants, above the age of twenty-one years; after which, the number of Representatives shall be regulated agreeably to the ordinance aforesaid.

Sec. 5. *And be it further enacted*, That the Governor of the said Territory shall have power to grant pardons for offences against the laws of the said Territory, and reprieves for those against the United States, until the decision of the President thereon shall be made known.

Sec. 6. *And be it further enacted*, That so much of the ordinance aforesaid, and laws of the United States, as are inconsistent with the provisions of this act, be, and the same are hereby, as respects the Territory of Michigan, repealed.

Sec. 7. *And be it further enacted*, That, from and after the first day of June next, there shall be but one clerk of the supreme court of the Territory of Michigan, who shall perform all the duties of clerk of said court, whether sitting as a circuit and district court, or as judges of the territorial court.

Sec. 8. *And be it further enacted*, That the accounting officers of the Treasury shall settle and adjust the accounts of John J. Deming, making him a reasonable allowance for his services as clerk of said district and circuit court, up to the first day of June next, and that the same be paid out of any money in the Treasury not otherwise appropriated.

Approved, March 3, 1823.

An Act in addition to the act, entitled "An act for the prompt settlement of public accounts," and for the punishment of the crime of perjury.

Be it enacted, &c., That, in the settlement of accounts of persons remaining charged on the books of the Third Auditor of the Treasury with public moneys, advanced prior to the first day of July, one thousand eight hundred and fifteen, the proper accounting officers be, and they are hereby, authorized to admit, to the credit of such persons, respectively, the amount of any expenditures made by them which were, at the time, authorized by law or regulations, notwithstanding regular vouchers for the same may not be produced, if the impracticability of producing such vouchers shall be proved to the satisfaction of the said accounting officers; and if the evidence exhibited, in lieu thereof, shall be the best the nature of the several cases will admit of, and such as will be received in courts of justice: *Provided, nevertheless*, That the credits to be allowed shall in no case exceed, in amount, the sums with which such persons, respectively, shall be charged on the books of the said Third Auditor.

Sec. 2. *And be it further enacted*, That whenever, in the settlement of the accounts beforementioned, a difference of opinion shall arise between the accounting officers, as to the extent of the credits to be allowed under or by virtue of this act, such case shall be referred to the Secretary of War, whose decision shall be conclusive. And it is hereby made the duty of the said Secretary to cause to be communicated to Congress, at the commencement of each session, a statement comprising the names of the persons whose accounts shall have been settled the preceding year, agreeably to the provisions of this act, together with the amount which shall have been passed to the credit of each, under the several heads of expenditure, and upon evidence other than such as had been prescribed by the laws and regulations existing before the passage of this act.

Sec. 3. *And be it further enacted*, That if any person shall swear or affirm falsely, touching the expenditure of public money, or in support of any claim against the United States, he or she shall, upon conviction thereof, suffer as for wilful and corrupt perjury.

Approved, March 1, 1823.

An Act for the punishment of frauds committed on the Government of the United States.

Be it enacted, &c., That, if any person or persons shall falsely make, alter, forge, or counterfeit; or cause or procure to be falsely made, altered, forged, or counterfeited; or willingly aid or assist in the false making, altering, forging, or counterfeiting, any deed, power of attorney, order, certificate, receipt, or other writing, for the purpose of obtaining or receiving, or of enabling any other person or persons, either directly or indirectly, to obtain or receive, from the United States, or any of their officers or agents, any sum or sums of money; or shall utter, or publish as true, or cause to be uttered or published as true, any such false, forged, altered, or counterfeited deed, power of attorney, order, certificate, receipt, or other writing, as aforesaid, with intent to defraud the United States, knowing the same to be false, altered, forged, or counterfeited; or shall transmit to, or present at, or cause or procure to be transmitted to, or presented at, any office or officer of the Government of the United States, any deed, power of attorney, order, certificate, receipt, or other writing, in support of, or in relation to, any account or claim, with intent to defraud the United States, knowing the same to be false, altered, forged, or counterfeited, every such person shall be deemed and adjudged guilty of felony; and being thereof duly convicted, shall be sentenced to be imprisoned, and kept at hard labor, for a period not less than one year, nor more than ten years; or shall be imprisoned, not exceeding five years, and fined not exceeding one thousand dollars.

Sec. 2. *And be it further enacted*, That if any person or persons shall knowingly have in his, her, or their possession, any false, altered, forged, or counterfeited deed, power of attorney, order, certificate, receipt, or other writing, for the purpose of enabling any person or persons, either di-

rectly or indirectly, to obtain or receive from the United States, or any of its officers or agents, any sum or sums of money, knowing the same to be false, altered, forged, or counterfeited, as aforesaid, with intent to defraud the United States, every such person, upon being thereof duly convicted, shall be fined and imprisoned at the discretion of the court, according to the nature and aggravation of the offence: *Provided, nevertheless*, That nothing herein contained shall be construed to deprive the courts of the several States of jurisdiction, under the laws thereof, over offences declared punishable by this law.

Approved, March 3, 1823.

An Act extending the time for locating Virginia Military Land Warrants and returning surveys thereon to the General Land Office.

Be it enacted, &c., That the officers and soldiers of the Virginia line, on the continental establishment, their heirs or assigns, entitled to bounty lands within the country reserved by the State of Virginia, between the Little Miami and Scioto rivers, shall be allowed a further time of two years, from the fourth day of January, one thousand eight hundred and twenty-three, to obtain warrants, and to complete their locations; and the further time of four years, from the fourth day of January, one thousand eight hundred and twenty-three, to return their surveys and warrants, or certified copies of warrants, to the General Land Office, to obtain patents.

Sec. 2. *And be it further enacted*, That the provisions of the act, entitled "An act authorizing patents to issue for lands located and surveyed, by virtue of certain Virginia resolution-warrants," passed the third day of March, one thousand eight hundred and seven, shall be revived, and in force, with all its restrictions, except that the respective times allowed for making locations, and returning surveys thereon, shall be limited to the terms prescribed by the first section of this act, for the location and return of the surveys on other warrants; and that the surveys shall be returned to the General Land Office: *Provided*, That no locations, as aforesaid, in virtue of this or the preceding section of this act, shall be made on tracts of lands for which patents had previously been issued, or which had been previously surveyed; and any patent, which may nevertheless be obtained for land located contrary to the provisions of this act, shall be considered null and void.

Sec. 3. *And be it further enacted*, That no holder of any warrant which has been, or may be located, shall be permitted to withdraw or remove the same, and locate it on any other land, except in cases of eviction, in consequence of a legal judgment first obtained, or unless it be found to interfere with a prior location and survey; nor shall any lands heretofore sold by the United States, within the boundaries of said reservation, be subject to location by the holder of any such unlocated warrant.

Approved, March 1, 1823.

An Act granting to the State of Alabama the right of pre-emption to certain quarter sections of land.

Be it enacted, &c., That there be granted to the State of Alabama, at the minimum price for which public lands of the United States are sold, the right of pre-emption to one quarter section of land, in or near the centre of the counties of Marengo, Perry, and Decatur, of the State aforesaid, in trust for said counties, respectively, for the establishment of seats of justice therein: *Provided*, That the proceeds of the sale of each of said quarter sections shall be appropriated for the purpose of erecting public buildings in the county for which it is located, after deducting therefrom the amount originally paid for the same: *And provided, further*, That the seat of justice for said counties, respectively, shall be fixed and continued on the lands so located and selected

Approved, March 3, 1823.

An Act altering the time of holding the circuit court in the districts of Maine and New Hampshire.

Be it enacted, &c., That the terms of the circuit court which are now directed by law to be holden annually in the district of Maine, at Portland, on the eighth day of May; and at Wiscasset on the eighth day of October; and in the district of New Hampshire, at Portsmouth, on the first day of May; and at Exeter on the first day of October, shall be holden at Portland on the first day of May; at Wiscasset on the first day of October; at Portsmouth on the eighth day of May; and at Exeter on the eighth day of October, in said districts, in each year; and when either of said days shall be Sunday, the session of said court shall commence on the day next following: and all causes, suits, actions, process, pleadings, and proceedings, of every description, existing or depending in the circuit court, in the districts aforesaid, shall be returnable to, and proceeded with, in due form of law, at the times conformable to the alterations herein provided for.

Approved, March 3, 1823.

An Act supplementary to "An act for the better organization of the courts of the United States within the State of New York."

Be it enacted, &c., That, from final decrees or judgments in the district court of the northern district of the State of New York, there shall be an appeal to the circuit court in the southern district of said State, in the same manner, and upon the same terms, as from other courts to their respective circuit courts.

Approved, March 3, 1823.

An Act further to prolong the continuance of the Mint at Philadelphia.

Be it enacted, &c., That the act entitled "An act concerning the Mint," approved March the third, one thousand eight hundred and one, is hereby revived, and continued in force and operation for the further term of five years, from the fourth day of March next.

SEC. 2. *And be it further enacted*, That, during the continuance of the Mint at the city of Philadelphia, the duties which were enjoined on the commissioner of loans for the State of Pennsylvania, by the second section of the act, entitled "An act concerning the Mint," passed on the third day of March, one thousand eight hundred and one, shall be performed by the collector of the port at Philadelphia, for the time being.

SEC. 3. *And be it further enacted*, That, when any silver brought to the Mint for coinage shall require refining, the expense of the materials used in the process shall be deducted from the amount of the deposite; and that, when silver so deposited shall be of a quality superior to that of the legal standard of the silver coins of the United States, a deduction shall be made from the amount, equal to the expense of the copper necessary to reduce it to the said standard, and that all such deductions be regularly accounted for, by the treasurer of the Mint, to the Treasury of the United States.

Approved, March 3, 1823.

An Act for the better organization of the district court of the United States within the State of Louisiana.

Be it enacted, &c., That, for the more convenient transaction of business in the courts of the United States within the State of Louisiana, the said State shall be, and the same is hereby, divided into two districts, in manner following, to wit: The counties of Attakapas, Opelousas, Rapide, Natchitoches, and Ouachita, shall compose one district, to be called the Western district of Louisiana; and all the remaining part of the said State shall compose another district, to be called the Eastern district of Louisiana; and all criminal actions, or civil suits, which have arisen in the Western district, together with all process, writs, recognizances, and records, belonging thereto, shall be transferred to the Western district; and there shall be, annually, only three stated sessions of the district court for the Eastern district, to be held at New Orleans, on the third Mondays of November, February, and May; and there shall be, annually, one stated session of the said court in the Western district of the State, to be held at Opelousas courthouse, to commence on the third Monday of August; and the district judge of the United States, for the State of Louisiana, is hereby authorized and required to hold special sessions of the said court, in the said Western district, for the trial of criminal or civil causes, whenever he may deem it expedient: that all process, writs, and recognizances of every kind, whether respecting juries, witnesses, bail, or otherwise, which relate to the cases to be tried at the said special session, shall be considered as belonging to such sessions, in the same manner as if they had been issued or taken in reference thereto: that any special session may be adjourned to any time, or times, previous to the next stated meeting of the district court: that all business depending for trial at any special court, shall, at the close thereof, be considered as of course removed to the next stated term of the district court: the said judge shall appoint a clerk of the said court in the Western district, who shall reside, and keep the records of the court, at the place where the sessions of the court are held, and shall receive, for the services performed by him, the same fees and compensation that are allowed to the clerk of the said court of the Eastern district of the State, and shall be subject, in every respect, to the same responsibilities.

SEC. 2. *And be it further enacted*, That the President of the United States, by and with the advice and consent of the Senate of the United States, be, and hereby is, authorized to appoint one person as marshal, and one as district attorney, for the said Western judicial district of the United States within the State of Louisiana, created by this act, and that the terms of appointment and service, together with the duties and responsibilities of the said marshal and district attorney, respectively, for the district aforesaid, be, in all respects, the same within their said district as the terms of appointment and services, the duties and responsibilities of the marshal and district attorney, respectively, of the Eastern district of the State of Louisiana, and said marshal shall receive such fees and emoluments as are received by the marshal of the United States for the State of Louisiana, and said attorney an annual compensation of two hundred dollars, and the same fees and emoluments as are allowed to the attorney of the United States for the Eastern district of Louisiana.

Approved, March 3, 1823.

An Act to alter the times of holding the district court of the United States for the district of Vermont.

Be it enacted, &c., That the district court of the United States for the district of Vermont shall be hereafter holden on the sixth day of October, and on the twenty-fourth day of May, in each year, instead of the tenth day of October and twenty-seventh day of May, as is now required by law: *Provided*, That if either of the days prescribed by this act for holding said court shall be a Sunday, then the said court shall commence and be holden on the following day.

SEC. 2. *And be it further enacted*, That all proceedings of a civil or criminal nature, now pending in, or returnable to, said court, shall be proceeded in by the said court, in the same manner as if no alteration of the time for holding said court had taken place.

Approved, March 3, 1823.

An Act extending the time for issuing and locating military land warrants to officers and soldiers of the Revolutionary Army.

Be it enacted, &c., That the time limited by the second section of the act, approved on the twenty-fourth day of February, one thousand eight hundred and nineteen, for issuing military land warrants to the officers and soldiers of the Revolutionary Army, shall be extended to the fourth day of March, one thousand eight hundred and twenty-five; and the time for locating the unlo-

cated warrants shall be extended to the first day of October thereafter.

Approved, March 3, 1823.

An Act to extend the time allowed for the redemption of lands sold for direct tax in certain cases.

Be it enacted, &c., That the time allowed for the redemption of lands, which have been, or may be, sold for the non-payment of taxes, under the several acts, passed the second day of August, one thousand eight hundred and thirteen, the ninth day of January, one thousand eight hundred and fifteen, and the fifth day of March, one thousand eight hundred and sixteen, for laying and collecting a direct tax, within the United States, so far as the same have been purchased for, or on behalf of, the United States, be revived and extended for the further term of two years, from and after the expiration of the present session of Congress: *Provided*, That on such redemption, interest shall be paid, at the rate of twenty per centum per annum on the taxes aforesaid, and on the additions of twenty per centum chargeable thereon; and the right of redemption shall inure as well to the heirs and assignees of the lands so purchased on behalf of the United States, as to the original owners thereof.

Approved, March 3, 1823.

An Act vesting in the State of Virginia the right of the United States to all fines assessed for non-performance of militia duty, during the late war with Great Britain, within said State.

Be it enacted, &c., That all right which the United States have to the fines assessed upon the citizens of the State of Virginia, for the non-performance of militia duty during the late war with Great Britain, shall be, and the same is hereby, vested in the said State.

Sec. 2. *And be it further enacted*, That all moneys in the hands of those who now are, or heretofore have been, marshals, or deputy marshals, which may have been collected from the fines aforesaid, after deducting the expense of collecting the same, and the cost of any suit or suits which may have been brought against said marshals, or deputy marshals, in consequence of the collection of said fines, shall be paid by them, respectively, to the Treasurer of said State.

Sec. 3. *And be it further enacted*, That the said fines shall be recovered, by the said State, under such regulations, provisions, and restrictions, as shall be prescribed by the legislature thereof: *Provided*, That if the provisions of this act are accepted by the State of Virginia, that State shall indemnify the United States against any charge or charges which has already accrued, or which may hereafter be made, in consequence of the assessment and collection of said fines.

Approved, March 3, 1823.

An Act for the erection of a monument over the tomb of Elbridge Gerry, late Vice President of the United States.

Be it enacted, &c., That the Superintendent of the Public Buildings be, and he hereby is, directed to cause to be erected, in the burial ground of the city of Washington, a neat and appropriate monument over the tomb of Elbridge Gerry, late Vice President of the United States, who died at Washington, November twenty-third, one thousand eight hundred and fourteen, with a suitable inscription on the same, stating the name, station, age, and time of death, of the deceased.

Sect. 2. *And be it further enacted*, That a sum, not exceeding one thousand dollars, be, and the same is hereby, appropriated for the payment of the cost thereof, from any money in the Treasury not otherwise appropriated.

Approved, March 3, 1823.

An Act to continue in force an act, entitled "An act regulating the currency within the United States of the gold coins of Great Britain, France, Portugal, and Spain, and the crowns of France and five franc pieces," passed on the 29th day of April, one thousand eight hundred and sixteen, so far as the same relates to the crowns of France, and five franc pieces.

Be it enacted, &c., That so much of the act, entitled "An Act regulating the currency within the United States of the gold coins of Great Britain, France, Portugal, and Spain, and the crowns of France, and five franc pieces," passed on the twenty-ninth day of April, one thousand eight hundred and sixteen, as relates to the crowns of France, and five franc pieces, shall be, and the same hereby is, continued in force, for the further term of four years, from and after the fourth day of March next.

Approved, March 3, 1823.

An Act to authorize the Secretary of the Treasury to remit the instalments due on certain lots in Shawneetown, in the State of Illinois.

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to remit the instalments due, and to become due, on lots numbered eleven hundred and thirteen and eleven hundred and fourteen, in Shawneetown, in the State of Illinois, and a patent or patents shall issue for the same, as in other cases; which said lots are used as a public square.

Approved, March 3, 1823.

An Act to establish an additional Land Office in the Territory of Michigan.

Be it enacted, &c., That all the public lands in the district of Detroit, lying south of the boundary line between the third and fourth townships, south of the base line, except so much thereof as lies north of the river Huron, of Lake Erie, and all the public lands in the Territory of Michigan, to which the Indian title was extinguished by the Treaty of Chicago, shall be formed into a new land district; and, for the sale of the public lands within the district hereby constituted, there shall be a Land Office established at such place within the district as the President of the United States may designate.

Sec. 2. *And be it further enacted*, That there shall be a Register of the Land Office, and a Receiver of Public Moneys, appointed by the President of the United States, for the Land Office hereby created, to superintend the sales of public lands within said district, who shall give security in the same manner, in the same sums, and whose compensations, emoluments, and duties, and authority, shall in every respect, be the same, in relation to the lands which shall be disposed of at their office, as are, or may be, by law provided in relation to the Registers and Receivers of public moneys, in the several offices established for the sale of public lands.

Sec. 3. *And be it further enacted*, That the provisions of the third and fifth sections of the act, entitled "An act to designate the boundaries of districts, and establish land offices for the disposal of the public lands, not heretofore offered for sale, in the States of Ohio and Indiana, approved March the third, one thousand eight hundred and nineteen, be, and the same are hereby, made applicable to the district and office hereby created, so far as they are not changed by subsequent laws of the United States: *Provided*, That all such public lands, embraced within the district created by this act, which shall have been offered for sale to the highest bidder, at Detroit, pursuant to any proclamation of the President of the United States, and which lands remain unsold at the taking effect of this act, shall be subject to be entered and sold at private sale by the Register of the Land Office hereby created, in the same manner, and subject to the same terms, and upon like conditions, as the sales of said lands would have been subjected to in the land office at Detroit, had they remained attached to that office.

Sec. 4. *And be it further enacted*, That this act shall take effect, and be in force, from and after the first day of May next ensuing the passage thereof.

Approved, March 3, 1823.

An Act making the gold coins of Great Britain, France, Portugal, and Spain, receivable in payments on account of Public Lands.

Be it enacted, &c., That, from and after the passage of this act, the following gold coins shall be received in all payments on account of public lands, at the several and respective rates following, and not otherwise viz: the gold coins of Great Britain and Portugal, of their present standard, at the rate of one hundred cents for every twenty-seven grains, or eighty-eight cents and eight-ninths per pennyweight; the gold coins of France, of their present standard, at the rate of one hundred cents for every twenty-seven and a half grains, or eighty-seven and a quarter cents per pennyweight; and the gold coins of Spain, of their present standard, at the rate of one hundred cents for every twenty-eight and a half grains, or eighty-four cents per pennyweight.

Sec. 2. *And be it further enacted*, That it shall be the duty of the Secretary of the Treasury to cause assays of the foregoing coins to be made at the Mint of the United States, at least once in every year; and to make report of the result thereof to Congress.

Approved, March 3, 1823.

An Act for clearing, repairing, and improving, certain roads, for the purpose of facilitating the transportation of the United States mail.

Be it enacted, &c., That the President of the United States be, and he hereby is, authorized to cause to be cleared, repaired, and improved, the United States mail road from Nashville, in the State of Tennessee, to New Orleans, in the State of Louisiana: *Provided*, He shall not expend more than seven thousand nine hundred and twenty dollars, in clearing, repairing, and improving, the same, and that the said sum shall be expended on that part of the road which may lie within territory occupied by the Indians, and to which their title has not yet been extinguished.

Approved, March 3, 1823.

An Act respecting Stamps.

Be it enacted, &c., That, whenever any person or persons shall pay to the Secretary of the Treasury the duty chargeable by the act entitled "An act to establish a general stamp office," passed on the twenty-third day of April, in the year one thousand eight hundred, on any deed, instrument, or writing, on which the said stamp duty chargeable by law shall not have been paid, together with the further sum of ten dollars, and shall obtain a certificate thereof from the Secretary of the Treasury, such deed, instrument, or writing, shall be, to all intents and purposes, as valid and available, as if the same had been, or were, stamped, counterstamped, or marked, as by said law required; any thing in any act to the contrary notwithstanding.

Sec. 2. *And be it further enacted*, That this act shall be, and continue, in force for the term of one year from the passage thereof, and no longer.

Approved, March 3, 1823.

An Act to authorize the building of lighthouses, light-vessels, and beacons, therein mentioned, and for other purposes.

Be it enacted, &c., That the Secretary of the Treasury be, and he hereby is, empowered to provide, by contract, for building lighthouses and light-vessels, erecting beacons and placing buoys on the following sites or shoals, to wit: A lighthouse on Baker's Island, near Mount Desert, in the State of Maine; one on Monamoy Point, in the State of Massachusetts; a lighthouse on Goat Island, in the State of Rhode Island; a light-vessel, not to be under two hundred and fifty tons, on Cape Hatteras, in North Carolina; a lighthouse on Cape Romain, in the State of South Carolina; a lighthouse at or near the entrance of the harbor of Pensacola, for that part of the territory known as West Florida; a lighthouse near Fort Gratiot, in Michigan Territory; a beacon on Hadrell's Point, in the State of South Carolina; two light-vessels to be placed in the Bay of

Delaware, the one at or near the Brandywine Shoal, and the other at or near the shoal called the Upper Middle; and also to agree for the salaries, wages, or hire, of the persons to be appointed by the President of the United States for the superintendence of the same: *Provided*, That no moneys shall be expended in erecting such lighthouses, until the jurisdiction to such portions of land as the President of the United States shall select as the sites of the same, respectively, shall be ceded to, and the property thereof vested in, the United States.

Sec. 2. *And be it further enacted*, That there be appropriated, out of any money in the Treasury not otherwise appropriated, the following sums of money, to wit: For building the lighthouse on Baker's Island, two thousand five hundred dollars; for one on Monamoy Point, three thousand dollars; for one on Goat Island, two thousand five hundred dollars; for an additional sum to complete the light-vessel authorized to be built by an act entitled "An act to authorize the building lighthouses therein mentioned, and for other purposes," passed the seventh day of May, one thousanp eight hundred and twenty-two, for the State of New York, five thousand dollars; for an additional sum to complete the lighthouse on Oldfield Point, in the same State, one thousand five hundred dollars; for an additional sum to complete a tower for the light on Fort Niagara, in the same State, one thousand five hundred dollars; for placing a lantern at Fort Delaware, in the River Delaware, one thousand five hundred dollars; for completing the lighthouse on Cape May, in the State of New Jersey, a sum not exceeding five thousand seven hundred and fifty dollars; for placing a light-vessel at or near Cape Hatteras shoals, a sum not exceeding twenty-five thousand dollars; for building a lighthouse on Cape Romain, ten thousand dollars; for erecting a beacon on Hadrell's Point, one thousand five hundred dollars; for finishing the lighthouse near St. Augustine, in the territory of East Florida, the sum of five thousand dollars; for building a lighthouse at or near Pensacola, a sum not exceeding six thousand dollars; for building a lighthouse at Fort Gratiot, three thousand five hundred dollars; and for building and placing two light-vessels in Delaware Bay, twenty thousand dollars.

Sec. 3. *And be it further enacted*, That the President of the United States be, and he is hereby, authorized to cause such an examination and survey to be made of the obstruction between the harbor of Gloucester and the harbor of Squam, in the State of Massachusetts, as may be requisite to ascertain the expediency of removing such obstruction; and the President is hereby authorized to cause such obstruction to be removed, by contract or otherwise, under the direction of the collector of the district of Gloucester, if, from the report of persons he may appoint to examine and survey the same, he shall deem it expedient; and a sum, not exceeding six thousand dollars, is hereby appropriated for that purpose, to be paid out of any money in the Treasury not otherwise appropriated.

Sec. 4. *And be it further enacted, by the authority aforesaid*, That the sum of one hundred and fifty dollars be, and the same is hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, to enable the President of the United States to cause the entrance of the harbor of the port of Presque Isle, in Pennsylvania, to be examined and surveyed by one of the Topographical Engineers of the United States, whose duty it shall be to make a probable estimate of the expense of removing the obstructions, and report on the best manner of removing them, and the effect of such removal on the channel in future.

Approved March 3, 1823.

An Act further to extend the provisions of the act, entitled "An act supplementary to an act, entitled 'An act for the relief of the purchasers of the public lands prior to the first July, one thousand eight hundred and twenty.'"

Be it enacted, &c., That all persons who shall produce satisfactory evidence to the register and receiver of the proper land office, that they were actually entitled to, and would have availed themselves of, the provisions of the act entitled "An act supplementary to the act entitled 'An act for the relief of the purchasers of the public lands prior to the first day of July, one thousand eight hundred and twenty,'" approved April twentieth, one thousand eight hundred and twenty-two, and their failure to do so was owing to such cause or circumstance as he could not control or prevent, shall be allowed until the thirtieth day of September next, to avail themselves of all the privileges, advantages, and provisions, of the said act, in the same manner they could have done prior to the thirtieth day of September last.

Approved, March 3, 1823.

An Act to amend an act entitled "An act further to regulate the entry of merchandise imported into the United States from any adjacent territory."

Be it enacted, &c., That, from and after the passage of this act, every master or other person having charge of a vessel, boat, canoe, or raft, or the conductor or driver of any carriage, or sleigh, or other person bringing merchandise from any foreign territory adjacent to the United States, who shall neglect or refuse to deliver a manifest, as is required in and by the act entitled "An act further to regulate the entry of merchandise imported into the United States from any adjacent territory," passed the second day of March, one thousand eight hundred and twenty-one, shall be subject to pay, instead of the penalty of four hundred dollars imposed by the first section of said act, four times the value of the merchandise so imported.

Sec. 2. *And be it further enacted*, That if any person or persons shall receive, conceal, or buy, any goods, wares, or merchandise, knowing them to have been illegally imported into the United States, and liable to seizure by virtue of any act in relation to the revenue, such person or persons

shall, on conviction thereof, forfeit and pay a sum double the amount or value of the goods, wares, or merchandise, so received, concealed, or purchased.

SEC. 3. *And be it further enacted*, That if any person shall forcibly resist, prevent, or impede, any officer of the customs or their deputies, or any person assisting them in the execution of their duty, such person, so offending, shall, for every such offence, be fined a sum not exceeding four hundred dollars.

SEC. 4. *And be it further enacted*, That the provisions of the forty-sixth section of the act entitled "An act to regulate the collection of duties on imports and tonnage," passed the second day of March, Anno Domini one thousand seven hundred and ninety-nine, be, and they are hereby, extended to the case of goods, wares, and merchandise, imported into the United States from an adjacent territory.

SEC. 5. *And be it further enacted*, That all penalties and forfeitures, incurred by force of this act, shall be sued for, recovered, distributed, and accounted for, in the manner prescribed by an act, entitled "An act to regulate the collection of duties on imports and tonnage," passed on the second day of March, Anno Domini one thousand seven hundred and ninety-nine.

Approved, March 3, 1823.

An Act supplementary to the Acts to provide for certain persons engaged in the land and naval service of the United States in the Revolutionary War.

Be it enacted, &c., That the Secretary of War be authorized, and he is hereby authorized and required, to restore to the list of pensioners, the name of any person who may have been, or hereafter shall be, stricken therefrom, in pursuance of the act of Congress, passed the first day of May, one thousand eight hundred and twenty, entitled "An act in addition to an act, entitled 'An act to provide for certain persons engaged in the land and naval service of the United States in the Revolutionary war,' passed the eighteenth day of March, one thousand eight hundred and eighteen," to such person, so stricken from the list of pensioners, has heretofore furnished, or hereafter shall furnish, evidence, in pursuance of the provisions of said act, to satisfy the Secretary of War that he is in such indigent circumstances as to be unable to support himself without the assistance of his country, and that he has not disposed of, or transferred, his property, or any portion thereof, with a view to obtain a pension.

SEC. 2. *And be it further enacted*, That, when any person, coming within the provisions of the acts to which this is supplementary, shall, by reason of bodily infirmity, be unable to attend in court to make his schedule, and furnish the evidence by said acts required, it shall be lawful for any judge or justice of a court of record in the district, city, county, or borough, in which such person resides, to attend at his place of abode, and receive his schedule, and oath or affirmation, and said judge or justice shall certify that said applicant was, from bodily infirmity, unable to attend such court; which schedule, and oath or affirmation, and certificate, shall, by said judge or justice, be produced in the court of which he is judge; and the opinion of said court, of the value of the property contained in said schedule, shall be entered thereon, and certified by the clerk of said court; and such schedule shall be valid for all the purposes contemplated by the acts aforesaid.

SEC. 3. *And be it further enacted*, That no pension hereafter to be allowed on claims or schedules heretofore filed under the act or acts to which this act is a supplement, or under the provisions of this act, shall commence before the passage thereof; and all other pensions hereafter to be allowed under the acts aforesaid, shall commence from the time of completing the proof.

Approved, March 1, 1823.

An Act supplementary to the Act, entitled "An act to designate the boundaries of Districts, and establish Land Offices for the disposal of the Public Lands, not heretofore offered for sale, in the States of Ohio and Indiana."

Be it enacted, &c., That all the lands ceded and relinquished to the United States, by the Wea tribe of Indians, under the first article of the treaty held at Vincennes, on the eleventh day of August, eighteen hundred and twenty, and which is specified and designated by the second article of the treaty between the United States and the said tribe, concluded at St. Mary's on the second day of October, eighteen hundred and eighteen, be, and the same is hereby, attached to the Terre Haute district for the sale of public lands in the State of Indiana.

SEC. 2. *And be it further enacted*, That all the public lands specified, designated, and embraced, within the first and second article of the treaties aforesaid, which have not been granted to, or secured for, the use of any individual or individuals, or appropriated and reserved for any other purpose, by any existing treaties or laws, and, with the exception of section numbered sixteen, in each township, which shall be reserved for the support of schools therein, shall be offered for sale to the highest bidder, at the Land Office in the Terre Haute District, under the direction of the Register of the Land Office and Receiver of Public Moneys, on such day or days as shall, by proclamation of the President of the United States, be designated for that purpose. The lands shall be sold in tracts of the same size, on the same terms and conditions, and, in every respect, as provided by the act, entitled "An act making further provision for the sale of the public lands," approved April twenty-fourth, eighteen hundred and twenty.

SEC. 3. *And be it further enacted*, That the Register of the Land Office and Receiver of Public Moneys shall each receive five dollars for each day's attendance in superintending the public sales of the land before described, according to the President's proclamation.

Approved, March 3, 1823.

An Act making appropriations for certain fortifications of the United States, for the year one thousand eight hundred and twenty-three, and for other purposes.

Be it enacted, &c., That the following sums be, and the same are hereby, appropriated, to wit:

For fortifications to each, specially, as follows, viz:

For Fort Delaware, fifty-eight thousand dollars.

For Fort Washington, forty-six thousand dollars.

For Fort Monroe, one hundred thousand dollars.

For Fort Calhoun, eighty thousand dollars.

For collecting materials for a fortification at Mobile Point, in the State of Alabama, fifty thousand dollars.

For the Rigolets, and Chef Menteur, one hundred thousand dollars.

For collecting materials for, and progressing with, a fort on the right bank of the Mississippi, opposite Fort St. Philip, forty thousand dollars.

For repairing Fort Jackson, in the harbor of Savannah, eight thousand dollars.

For contingencies and repairs of fortifications, twenty-six thousand dollars.

For the purchase of small-arms for arming the whole body of the militia, in addition to the annual appropriation of the year one thousand eight hundred and twenty-three for arming the militia, twenty thousand dollars.

For completing the barracks and other public buildings, at Baton Rouge, twenty-nine thousand one hundred and seventy-eight dollars seventy-seven cents.

Approved, March 3, 1823.

An Act making appropriations for the Public Buildings.

Be it enacted, &c., That the following sums of money be, and the same are hereby, appropriated, to wit:

For improving the grounds around the Capitol, one thousand dollars.

For making the necessary alteration in the Representatives' Hall, for the accommodation of the eighteenth Congress, the sum of one thousand two hundred dollars.

For finishing the south portico to the President's House, the sum of nineteen thousand dollars.

For an allegorical ornament for a clock for the use of the Senate, two thousand dollars.

Sec. 2. *And be it further enacted*, That said several sums of money be paid out of any moneys in the Treasury not otherwise appropriated.

Approved, March 3, 1823.

An Act to authorize the Postmaster General to pay for certain repairs to the General Post Office, and to keep the engine-house, the fire engine, and apparatus, in repair.

Be it enacted, &c., That the Postmaster General be authorized to pay, out of the moneys arising from the postages of letters and packets, the sum of two hundred and fifty dollars and fifty-two cents, being a balance due for repairs to the General Post Office, and for procuring a fire engine, under the provisions of the act of the seventeenth May, eighteen hundred and twenty.

Sec. 2. *And be it further enacted*, That the Postmaster General shall be authorized, out of the contingent fund of said Department, to defray such expenses as may be necessary for keeping in repair the engine-house, the fire engine, and hose apparatus, belonging to said Department.

Approved, March 3, 1823.

An Act to enable the proper accounting officers of the Treasury Department to audit and settle the accounts of the Surveyor of Public Lands in the State of Illinois and Missouri, and Territory of Arkansas, for extra clerk hire in his office.

Be it enacted, &c., That the proper accounting officers of the Treasury shall be, and are hereby, authorized and required to audit and settle the accounts of the Surveyor of Public Lands, in the States of Illinois and Missouri, and Territory of Arkansas, for extra clerk hire in his office, for surveying executed before the first day of January, one thousand eight hundred and twenty-three, and for which provision was not made by an allowance of mileage on the surveys of the public lands, under the act of the Congress of the United States, of the third day of April, one thousand eight hundred and eighteen, and make him an allowance therefor, not exceeding the rate of clerk hire now allowed by law in the offices of the other Surveyors General, proportioned to the quantity of work done in each; and the amount so allowed, shall be paid out of any money in the Treasury not otherwise appropriated.

Approved, March 3, 1823.

An Act providing for the accommodation of the Circuit Court of the United States for Washington county, in the District of Columbia, and for the preservation of the records of said court.

Be it enacted, &c., That the President of the United States be, and he is hereby, authorized to cause to be purchased, and completely finished, in the City Hall, now building in the City of Washington, permanent and suitable apartments for holding the sessions of the Circuit Court of the United States, for the county of Washington, in the District of Columbia, for the use of the grand and petit juries of the said county, for the offices of the clerk of the said court and the Marshal of the said District, and for the preservation and security of the books, papers, and records, of the said court, provided that the said purchase can be made upon reasonable terms, and not exceeding the sum hereinafter appropriated. And for effecting the subject of this act, the sum of ten thousand dollars be, and the same is hereby, appropriated, out of any money in the Treasury, not otherwise appropriated.

Sec. 2. *And be it further enacted*, That the appropriation hereinbefore made, shall be expended under the superintendence of the Commissioner of

the Public Buildings, in such manner as shall be directed by the President of the United States.

Sec. 3. *And be it further enacted*, That, so soon as the said apartments shall have been provided, the said circuit court, and the said clerk's and marshal's offices, with all the books, papers, and records, thereunto belonging, shall be removed thereto; and no allowance of money for the rent of apartments for the use of the said court and offices shall thenceforth, or thereafter, be made out of the Treasury of the United States.

Approved, March 3, 1823.

An Act to establish an additional Land Office in the State of Missouri.

Be it enacted, &c., That so much of the public lands of the United States as lies west of the range line dividing the twenty-third and twenty-fourth tiers of townships west of the fifth principal meridian, in the present Howard land district, in the State of Missouri, shall form a land district for the disposal of the said lands, to be called the Western district; and a land office shall be established at Lexington, in the county of Lillard, for the disposal thereof.

Sec. 2. *And be it further enacted*, That there shall be a register and receiver appointed to the said office, to superintend the sales of the public lands in the said district, who shall reside at the place where said office is established, give security in the same manner and sums, and whose compensation, emoluments, duties, and authorities, shall, in every respect, be the same, in relation to the lands to be disposed of at their offices, as are, or may be, by law, provided in relation to the registers and receivers of public moneys in the several offices established for the sale of the public lands.

Sec. 3. *And be it further enacted*, That, from and after the first day of April next, the division line between the St. Louis and the Jackson land districts, in the State of Missouri, shall be the township line between the townships number thirty-seven and thirty-eight; any thing in the former acts, creating land districts in the State of Missouri, to the contrary notwithstanding.

Approved, March 3, 1823.

An Act to authorize the purchase of a number of copies of the sixth volume of the Laws of the United States.

Be it enacted, &c., That the Secretary for the Department of State be, and he is hereby, authorized and directed to subscribe for, and receive, for the use and disposal of Congress, five hundred and fifty copies of the sixth volume of the Laws of the United States, published by Davis and Force, of the city of Washington, and cause to be distributed one copy thereof to the President of the United States, one copy to the Vice President of the United States, one copy to each of the Heads of Departments, to the Attorney General of the United States, to each of the Senators and Representatives, and to each Delegate of Territories, of the Seventeenth Congress; fifteen copies to the Secretary of the Senate, for the use of the Senate, and thirty copies to the Clerk of the House of Representatives, for the use of that House; one copy to each branch of the Legislature of each State and Territory, and one copy to each of the Executives of the several States and Territories, and cause the residue to be deposited in the Library of Congress.

Sec. 2. *And be it further enacted*, That, for the purpose aforesaid, the sum of two thousand two hundred dollars be, and the same is hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated.

Approved, March 3, 1823.

An Act to confirm certain claims to lots in the village of Peoria, in the State of Illinois.

Be it enacted, &c., That there is hereby granted to each of the French and Canadian inhabitants and other settlers in the village of Peoria, in the State of Illinois, whose claims are contained in a report made by the register of the land office at Edwardsville, in pursuance of the act of Congress, approved May the fifteenth, one thousand eight hundred and twenty, and who had settled a lot in the village aforesaid, prior to the first day of January, one thousand eight hundred and thirteen, and who have not heretofore received a confirmation of claims, or donation of any tract of land or village lot from the United States, the lot so settled upon and improved, where the same shall not exceed two acres; and where the same shall exceed two acres, every such claimant shall be confirmed in a quantity not exceeding ten acres: *Provided*, Nothing in this act contained shall be so construed as to affect the right, if any such there be, of any person or persons to the said lots, or any part of them, derived from the United States, or any other source whatever, or as a pledge on the part of the United States, to make good any deficiency occasioned by any other interfering claim or claims.

Sec. 2. *And be it further enacted*, That it shall be the duty of the surveyor of the public lands of the United States for that district, to cause a survey to be made of the several lots, and to designate on a plat thereof the lot confirmed and set apart to each claimant, and forward the same to the Secretary of the Treasury, who shall cause patents to be issued in favor of such claimants, as in other cases.

Approved, March 3, 1823.

An Act concerning the lands to be granted to the State of Missouri, for the purposes of education, and for other public uses.

Be it enacted, &c., That, in all cases in which section number sixteen, in any township within the State of Missouri, has been sold, or otherwise disposed of, it shall be the duty of the register and receiver of the respective land office in whose district such land may lie, so soon after the passage of this act as may be, to select the like quantity of other lands equivalent thereto, from any of the unappropriated lands of the United States

in that State, including the residue of such section, where only a part of it has been disposed of, and the value of the residue is not materially diminished by such disposition, and as nearly contiguous to such sixteenth section as may be; and a descriptive entry of such selected lands shall be made on the books of the register, specifying as well the township in which, as that for the use of which, the selection shall have been made; and the lands thus selected and located, are hereby granted to the said State, for the use of the inhabitants of the respective townships, for the use of schools, instead of such sixteenth sections so sold or otherwise disposed of.

SEC. 2. *And be it further enacted*, That, in all cases in which the General Assembly of the State of Missouri has selected, or shall hereafter select, a salt spring, for the use of the State, according to the provisions of an act of Congress of the sixth of March, one thousand eight hundred and twenty, and the six sections of unappropriated lands cannot be found adjoining to such spring, agreeably to the provisions of said act, the deficiency shall be supplied by the selection of other sections equivalent thereto, and not further distant than six miles therefrom, of unappropriated lands of the United States in that State, and as nearly adjoining to such spring as may be, shall be subject to the selection of the Legislature of the State for the use thereof; and such sections, when so selected and located, are hereby granted according to the provisions of said act; and authenticated copies of the selections made by the register and receiver, under the provisions of this act, shall be furnished the State, and returns transmitted to the Secretary of the Treasury, of the selections now made, and of those to be made, immediately after such selections shall have been made, either by the register and receiver, or by the Legislature of the State.

Approved, March 3, 1823.

An Act supplementary to "An act relating to the ransom of American captives of the late war."

Be it enacted, &c., That the act, entitled "An act relating to the ransom of American captives of the late war," passed the first day of March, one thousand eight hundred and seventeen, be so construed as to embrace within its provisions all officers, soldiers, and persons, attached to, and followers of, the Army of the United States, who were captured and made prisoners by the enemy, and who were ransomed during the late war with Great Britain; and that the proper accounting officer of the War Department be, and he is hereby, authorized and required to adjust and settle the accounts of any person, his assigns or his legal representatives, who may have purchased and ransomed from captivity any citizen, officer, soldier, or other person aforesaid, upon equitable principles: *Provided*, The evidence produced in support of such accounts shall be the best in the power of the claimant, and sufficient to satisfy the accounting officer of the justice of the claim: *Provided, also*, That, in no case shall a greater sum than one hundred and fifty dollars be allowed for the ransom of any one person.

SEC. 2. *And be it further enacted*, That it shall be the duty of such accounting officer, and he is hereby authorized and required, to adjust and settle the accounts of any person, his assigns, or his legal representatives, who shall have furnished proper and necessary articles of clothing to, and for the use of, any citizen, officer, soldier, or other person, purchased and ransomed from captivity during the late war with Great Britain aforesaid: *Provided*, It shall be satisfactorily proved, and made to appear, to such accounting officer, that the apparel and clothing so furnished were necessary, at the time, to the safety, support, and comfort, of the person ransomed; and that the articles charged were applied to the clothing of such prisoners, and to no other purpose whatever.

SEC. 3. *And be it further enacted*, That all sums of money to be audited and allowed under this act, and the act to which this is an amendment, shall be paid out of any money in the Treasury not otherwise appropriated.

Approved, March 3, 1823.

An Act to establish a National Armory on the Western waters.

Be it enacted, &c., That the President of the United States be, and he is hereby, authorized to employ a skilful engineer or officer of the Ordnance Department, with such other person or persons as he may judge proper, to examine the most suitable site for a National Armory on the Western waters; and that the said engineer, and such other person or persons, be requested to report the result of their examinations to Congress at the commencement of its next session, particularly designating the sites by them examined, with the comparative advantages of each, and an estimate showing the amount necessary for purchasing each, and erecting all necessary buildings thereon.

SEC. 2. *And be it further enacted*, That the sum of five thousand dollars be, and the same is hereby, appropriated, to effect the object of this act.

Approved, March 3, 1823.

An Act for the relief of James Rees, of New York, one of the sureties of Joseph H. Rees, deceased, late assistant deputy Paymaster General in service of the United States.

Be it enacted, &c., That the proper accounting officers of the Treasury Department be, and they are hereby, authorized and directed to settle the accounts of Joseph H. Rees, deceased, late assistant deputy Paymaster General, in service of the United States, upon the principles of justice and equity; and to allow to James Rees, one of the sureties of said deceased, such credits as he may prove himself entitled to, in consequence of payments actually made to troops in service of the United States during the life time of said deceased: *Provided, however*, That no allowance shall be made in the settlement aforesaid, greater than the amount for which the said surety, James Rees, is now held liable to the United States.

SEC. 2. *And be it further enacted*, That the suit now pending in the district court of the United States, for the northern district of New York, against James H. Rees, and Gerritt L. Dox, sureties of Joseph H. Rees, deceased, as aforesaid, be, and the same is hereby, suspended till the settlement directed in the first section of this act shall be fully completed.

Approved, March 3, 1823.

An Act respecting the punishment of Piracy.

Be it enacted, &c., That, from and after the passage of this act, the district court of the United States, in districts where no circuit courts are holden, shall have cognizance of all cases arising under the act of Congress, approved May fifteenth, one thousand eight hundred and twenty, entitled "An act to continue in force an act to protect the commerce of the United States, and punish the crime of piracy; and also, to make further provision for punishing the crime of piracy," and shall have the same power and jurisdiction therein, as the circuit courts of the United States, under the same act.

Approved, March 3, 1823.

An Act for the relief of James B. Hogan.

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, required, with the assent of the surety of John B. Hogan, to stay all further proceedings in any suit or suits, commenced in the district court of the United States for the District of Alabama, against John B. Hogan, late a paymaster in the service of the United States, and his surety, until the end of the next session of Congress, and until the final adjustment of the claims of the officers and volunteers engaged in the late campaign against the Seminole Indians, for horses and other property lost.

Approved, March 3, 1823.

RESOLUTIONS.

Resolution requiring from the Secretary of the Senate and Clerk of the House of Representatives an annual statement of the expenditures from the contingent fund of the two Houses.

Resolved, by the Senate and House of Representatives of the United States of America, in Congress assembled, That the Secretary of the Senate and Clerk of the House of Representatives be, and they are hereby, required to lay before the two Houses, respectively, at the commencement of each session of Congress, a table or statement, showing the names and compensation of the clerks employed in their respective offices, and the names and compensation of the messengers of the respective Houses; together with a detailed statement of the items of expenditure of the contingent fund of the respective Houses for the next immediately preceding year; in which statement the disbursements shall be arranged under the following heads, to wit: First, printing; second, stationery, and distinguishing under this head the articles furnished for the use of the members, from those furnished for the offices of the Secretary and Clerk, and specifying the number of reams of each kind of paper; third, book-binding; fourth, fuel; fifth, newspapers, specifying under this head the amount of orders given at the preceding session, as well as the payments made; sixth, the post offices; seventh, the repairs and preservation of the furniture; eighth, services of the messengers and horses; ninth, miscellaneous items not included under the preceding heads. Which statements shall exhibit, also, the several sums drawn by the said Secretary and Clerk, respectively, from the Treasury, and the balances, if any, remaining in their hands.

Approved, March 1, 1823.

Resolution to direct the withholding of the compensation of certain prize agents.

Resolved, &c., That, from and after the first day of July, next ensuing, no prize agent who has not accounted for the prize moneys with which he has heretofore been intrusted for the benefit of the officers and crews of any public armed vessel or vessels of the United States, shall receive from the Treasury of the United States any salary or compensation to which he may be entitled, until he shall have accounted for, or repaid into the Treasury, all sums so intrusted to him for disbursement.

Approved, March 3, 1823.

Resolution granting to the Washington Library a copy of the Public Documents, Laws, and Journals.

Resolved, &c., That the Secretary of State be, and he is hereby, directed to furnish to the Washington Library, from any surplus copies in the Department of State, or in the Library of Congress, a copy of the Laws of the United States, the Journals of Congress, Documents, and State Papers, heretofore published, and to furnish, annually, to the said Library, a copy of all Documents, Journals, Laws, and State Papers, which shall be hereafter published by the authority of Congress.

Approved, March 3, 1823.

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Hodgson, Samuel, Mr. Johnson of Louisiana presented the petition of, referred - - 38
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Lanman, James, of Connecticut, attended - 9
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McClung, James, Mr. Benton presented the petition of, referred - - - - - - 97
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considered, and laid on the table - - 254
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Mr. King presented a resolution of the Legislature of Alabama, praying a modification of the laws respecting the subdivision and sale of, referred - - - - - 190
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Mr. Kelly presented a resolution praying that the sale of, in Jackson and Decatur counties, Alabama, may be deferred, referred - - - - - - - - 192
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Mr. Barton submitted a resolution requesting the President to lay before the Senate the originals, or copies of the contracts for surveying the, in Illinois, Missouri, and Arkansas - - - - - - 268
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Revolutionary Pensioners, certain documents in relation to, from the War Department, read, and ordered to be printed - - 274
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Mr. Reid submitted a proposition of, giving Congress the power to construct roads and canals - - - - - - - - 627
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Bateman, Ephraim, of New Jersey, attended - 325
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Blackledge, William S., of North Carolina, attended - - - - - - - - 326
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Blakely, Johnston, a bill from the Senate for relief of the heirs of - - - - - 1144
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Boards of Commissioners, Mr. Scott submitted a resolution directing the Secretary of the Treasury to transmit to the House the books and papers of the several, and of the recorder of land titles, in relation to land claims in Missouri and Arkansas 370
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Mr. Sterling submitted a resolution of inquiry as to an act of Parliament of 5th August, 1822, in relation to the trade with - - - - - - - - - 648
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Mr. Sergeant presented a petition from sundry masters of vessels in the port of, complaining of the regulations in relation to colored seamen, referred - - - - 1056
Cherokee and Creek Treaties, a report on the subject of the, taken up and debated - 441
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Commerce and Navigation, a letter from the Secretary of the Treasury on the subject of, read, and ordered to be printed - 647

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Cone, Giles, committee discharged from the further consideration of the petition of, which was referred to the Secretary of War - 793

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Contingent Fund, Mr. Condict submitted a joint resolution requiring the Secretary of the Senate and Clerk of the House to report at every session a detailed statement of expenditures from the, of their respective Houses - - - - - - - 355
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Corks, memorial from sundry manufacturers of, in the city of New York, praying a specific duty on the importation of, referred - 793

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Crafts, Samuel C., of Vermont, attended - - 325

Craine, John, a bill for relief of, read twice, and committed - - - - - - - 674

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Crudup, Josiah, of North Carolina, attended - 330
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Cumberland Road, Mr. Taylor moved to refer so much of the President's Annual Message as relates to the, to a select committee, agreed to - - - - - - 332
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Mr. Nelson presented the resolutions of the Legislature of Maryland respecting the - 461
Mr. Stewart submitted a resolution calling on the Postmaster General for certain information respecting the - - - 474
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Cushman, Joshua, of Maine, attended - - 325
Custom-House Bonds, Mr. Ingham submitted a resolution calling on the Secretary of the Treasury for a statement of outstanding 520
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Cuthbert, Alfred, of Georgia, attended - - 354
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Debtors, Mr. Nelson presented petitions from sundry inhabitants of the District of Columbia respecting executions against the property of, removing from the said District, referred - - - - - - 576
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Debtors to the United States, Mr. Leftwich submitted a resolution requesting information of the President as to the number of, whose compensation has been withheld in consequence of their indebtedness - - 667
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Decisions of the Supreme Court, a bill to provide for reports of the, read twice, and committed - - - - - - - - - 661
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Delesdernier, Lewis F., committee discharged from the petition of, laid on the table - 824
Denison, George, of Pennsylvania, attended - 325
Denny, Penelope, Mr. Cambreleng presented the petition of, referred - - - - 543
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Dickinson, John D., of New York, attended - 325
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the Speaker presented a letter from the Secretary of State, informing the House of the completion of the, of the manufacturing establishments, ordered by the resolution of 30th March, 1822, and that 1500 copies are at the disposal of Congress - - - - - - - - - 734

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Mr. Campbell submitted a joint resolution for the distribution of the same, read, and laid on the table - - - - - - 794
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Direct Tax, a bill to revive and extend the time allowed for redemption of lands sold for, read twice, and ordered to a third reading 886
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Mr. Nelson presented petitions from inhabitants of the, respecting executions against the property of debtors who have removed from the District, referred - - 576
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Dock and Wharves, a message transmitting estimates of the Naval Board of the cost of completing the, at the Washington Navy Yard, referred - - - - - - - 696
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Dodge, John, the petition of, referred to the Committee on the Militia - - - - - 432
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Donelson, John, Thomas Carr, and others, a bill from the Senate for the relief of, read twice, and referred - - - - - - - - 561
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Drawback, letter from the Secretary of the Treasury, transmitting statements of the amount of, payable on merchandise exported from the United States during certain years, laid on the table - - - - 697
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Durfee, Job, of Rhode Island, attended - - 325
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Duties on Imports and Tonnage, a bill to revive and amend the several acts imposing, recommitted - - - - - - 334
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Lamb, Lucy, report of the Secretary of State on the petition of, recommitted - - - 357
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Land Office, a bill to enable the Commissioner of the, to correct mistakes in entries of land, read twice, and committed - - 542
Land Offices, Mr. Sterling submitted a resolution in relation to allowances for extra clerk hire in the several, debated - - 579
amended - - - - - - - - 581
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a bill from the Senate to designate the boundaries of districts, and to establish, in Ohio and Indiana - - - - - 1144
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reported without amendment, and ordered to the third reading - - - - - 1157
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Land Patents, a bill concerning the President's signature to, read twice, and committed 1023
Lathrop, Samuel, of Massachusetts, attended - 335
Lawrence, Julia, unfavorable report on the case of, committed - - - - - - 650
Lawrence, Eleanor, a bill from the Senate for the relief of - - - - - - - 960
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reported without amendment - - 1015, 1161
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Laws of the United States, a bill from the Senate authorizing the purchase of a number of copies of the sixth volume of the - 713
read twice, and committed - - - 725
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read the third time, and passed - - 1171
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Lead Mines, on motion of Mr. Taylor, so much of the President's Message as relates to the appointment of a superintendent of the, was referred to the Committee on Manufactures - - - - - 332
Mr. Rankin submitted a resolution calling on the President for information in regard to the - - - - - - - - 482
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Mr. Rankin submitted a resolution requesting the President to communicate the information asked for at the next session, agreed to - - - - - - - - 905
Lee, Richard Bland. (See *Orphans' Courts.*)
Lee, Henry, a bill for the relief of, read twice, and laid on the table - - - - 1015
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Le Ray, Madame, report on the petition of, committed - - - - - - - - 448
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Mr. Saunders presented a paper in relation to the character of, discussion thereon - 1058
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concurred in, and the committee on the part of the same appointed - - - 355
Lien. (See *Mechanics.*)
Lighthouses, &c., a bill to authorize the building of, read twice and committed - - 1052
considered - - - - - - - - 1155
read the third time, and passed - - 1156
a bill from the Senate to authorize the building of, read twice and committed - - 1122
reported without amendment - - - 1144
Mr. Sloan submitted a resolution requesting the President to furnish a statement of the money expended in erecting - 1057
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Lillie, Anson, committee on the petition of, discharged, and the petition laid on the table - - - - - - - - - 793
Lincoln, Mark L., of Maine, attended - - 325
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on expenses of the Indian department - 1060
Litchfield, Elisha, of New York, attended - 325
Little, Peter, of Maryland, attended - - 325
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on the bill for making a road from the Miami of Lake Erie to the Connecticut Reserve - - - - - - - - 549
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on the bill concerning the United States Courts in Louisiana - - - - 690
on the pay of army officers - - - 799
on the bill to extend the charter of the Mechanics' Bank of Alexandria - - 1053
Loan, Mr. Allen submitted a resolution calling upon the Secretary of the Treasury for information relative to a, to the late Commissioners of the City of Washington - 488
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report of the Secretary in reply, read and referred - - - - - - - - 579
Long, John, of New York, attended - - 326
Louisiana, a bill providing for the establishment of titles to lands in, situated between the Rio Hondo and Sabine rivers, committed 354
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Mr. Johnston presented a memorial from the Legislature of, praying a grant of two acres of land, referred - - - - - 432

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a bill from the Senate to revive and continue the seventh section of the act supplementary to the several acts for adjustment of claims to lands in - - - - - 931
read twice and referred - - - - 959
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read the third time, and passed - - 1077
a bill from the Senate supplementary to the several acts for adjustment of claims to land in, read twice, and referred - - 1052
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Louisville, Kentucky, a bill to authorize the holding of a district court at, recommitted 425
reported with an amendment - - - 1015
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Lowndes, William, of South Carolina, the death of, announced - - - - - - 656
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Mahy, William, Mr. Little presented the petition of, referred to the Secretary of War 440
report of the Secretary read, and laid on the table - - - - - - - - 474
report of the Secretary of the Navy on the petition of, read, and laid on the table - 507
Mail, a bill from the Senate for repairing and improving certain roads, for facilitating the transportation of the - - - 1144
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reported without amendment - - - 1157
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Maine, a bill respecting the district court of the United States for the district of, read twice, and committed - - - - - 636
Maine and New Hampshire, a bill altering the time of holding the circuit court in the districts of, read twice, and ordered to the third reading - - - - - - - 1090
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Mallary, Rollin C., of Vermont, attended - 325
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Manufactures, appointment of the standing Committee on - - - - - - - - 329
on motion of Mr. Taylor so much of the President's Message as relates to, was referred to said committee - - - - 332
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Manufacturing Establishments, the Speaker presented a letter from the Secretary of State informing the House that 1,500 copies of the digest of, ordered at the last session, are at the disposal of Congress - 734
Mr. Campbell submitted a joint resolution for the distribution of the said digest - - 794
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Manumission Society of Tennessee, Mr. Rhea presented the memorial of the eighth convention of the, respecting the situation of colored persons in the United States, referred - - - - - - - - - 642
Marechal, Joseph, a bill for the relief of, read twice, and committed - - - - - 824
Marine Corps, on motion of Mr. F. Johnson the Committee on Naval Affairs were instructed to inquire respecting the annual expenses of the, and the expediency of reducing or abolishing the same - - 644
Marine Railway, Message from the President communicating documents in relation to a, invented by Captain John Rodgers, referred - - - - - - - - - 696
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Maryland, Mr. Kent presented resolutions of the Legislature of, respecting a system of national defence, internal improvement, &c. 484
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Mr. Wright presented resolutions of the Legislature of, respecting an amendment to the Constitution of the United States, giving power to Congress to adopt a system of internal improvement - - 698
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Mayhew, Thaddeus, a bill for the relief of, committed - - - - - - - - - 354
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McCarty, Richard, of New York, attended - 325
McClung, James, a bill from the Senate for the relief of the legal representatives of - 713
read twice, and committed - - - 725
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McCoy, William, of Virginia, attended - - 326
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on the Revolutionary Pension bill - - - 735
McDuffie, George, of South Carolina, attended 1013
McIlvaine, Rev. Charles P., message informing the House of the election of, as Chaplain to the Senate - - - - - - - 340
McKenney, Thomas L., the Committee of Indian Affairs were instructed to inquire into the official conduct of, as Superintendent of Indian Trade - - - - - - 1015
McKim, Isaac, of Maryland, attended - - 528
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McLane, Louis, of Delaware, attended - - 325
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McMahin. John, committee discharged from further consideration of the petition of, which was committed to the Committee of the Whole - - - - - - - - 794
McNeil, Archibald, of North Carolina, attended 326
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McSherry, James, of Pennsylvania, attended - 325
Measurer, a bill to abolish the office of, read twice, and laid on the table - - - - 1070
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Mechanics, a bill for securing payment to the, in the District of Columbia, for materials and labor employed in building, considered, amended, and ordered to the third reading - - - - - - - - - 426
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Mechanics' Bank of Alexandria, a bill from the Senate for extending the charter of the - 1023
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Medals, the Speaker presented a letter from Mr. G. W. Erving respecting a donation of French and American, referred to the Library Committee - - - - - - - 358
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Members, a list of those present at the opening of the session - - - - - 325, 326
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Mr. Cocke submitted a resolution requesting the President to inform the House, at the next session, whether any, have been concerned in public contracts, or are in arrears to Government, laid on the table 1172

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Mercer, Charles F., of Virginia, attended - 326
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Merchandise, debate on the bill to amend the act to regulate the importation of, from adjacent territory - - - - - 446
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Merchant, George, report of the Secretary of War on the petition of, referred - - 795
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Michigan, a bill to revive and continue the act for adjustment of claims to land in, recommitted - - - - - - - - 355
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Mr. Sibley presented a petition from sundry inhabitants of, praying that, may be admitted to the second grade of territorial government, referred - - - - 482
Mr. Van Rensselaer presented a petition from inhabitants of, praying that no alteration may be made in the form of government of, referred - - - - 487
a bill to amend the ordinance and acts of Congress for the government of, read twice, and committed - - - - - 560
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a bill to establish an additional land office in the Territory of, reported with amendments, and ordered to the third reading - 1125
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Mr. Mallary submitted a resolution as to the expediency of an equal selection of, from the different States, agreed to - - 644
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Military Academy, Mr. Cannon submitted a resolution for inquiring into the expediency of discontinuing the preference given to the graduates of the, over those of other institutions, in entering the public service 341
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Military Establishment, Mr. Taylor moved that so much of the President's Message as relates to the, be referred to the Committee on Military Affairs - - - - - 331
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a letter from the Secretary of War transmitting statements of expenditures on account of the contingent expenses of the, for the year 1822, referred - - - - - 689
Military Land Warrants, a bill extending the time for locating the Virginia, read twice, and committed - - - - - - 390
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Military Road, Mr. Sterling submitted a resolution calling upon the Secretary of War for information in regard to the, from Plattsburg to Sackett's Harbor - - - 602
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Military Service, a bill making appropriations for the, for the year 1823, read and committed - - - - - - - - - 794
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read the third time, and passed - - - 1077
returned with amendments, the first of which was agreed to and the second disagreed to - - - - - - - - 1161
a bill making further appropriations for the, [fortifications,] for the year 1823, read twice, and committed - - - - - 794
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a bill making further appropriations for the, [Indian expenses,] for the year 1823, read twice, and committed - - - 794
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Militia, Mr. Whipple submitted a resolution respecting the expediency of amending the act for arming and disciplining the - 330
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Mr. Taylor moved to refer so much of the President's Message as relates to the, to a select committee - - - - - 331
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Mr. Cannon submitted several resolutions in relation to the improvement of the - 341
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Mr. Wright submitted a resolution as to the expediency of arming the, with rifles - 433
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Mr. Walworth reported a resolution for increasing the annual appropriations for arming the - - - - - - - 1069
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Mills, Peter, the committee on the petition of, discharged, and petition laid on the table 824
Mint, Mr. Conkling submitted a resolution as to the expediency of continuing the act of 3d March, 1801, concerning the - - 663
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Miscellaneous Claims, a letter from the Secretary of the Treasury, transmitting statements of payments made for the discharge of, read, and laid on the table - - - 724
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the Speaker presented a petition from inhabitants of, praying the establishment of a new land district therein, referred - 650
a bill from the Senate to establish an additional land office in - - - - - 825
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reported with amendment, and ordered to the third reading - - - - - 1145
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Mr. Scott presented the memorial of the Legislature of, praying the establishment of a tribunal to decide definitely upon unsettled claims to lands in, referred - 1089
a bill from the Senate authorizing the Recorder of Land Titles in, to examine and report on the number of unconfirmed French and Spanish land claims in, read twice, and referred - - - - - 1124
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Mitchell, James S., of Pennsylvania, attended - 325
Mitchell, Thoms R., of South Carolina, attended 326
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Mobile, a bill granting certain lots in the city of, to the corporation of said city, read twice, and committed - - - - 723
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Mobile and Blakely. (See *Tonnage Duty.*)
Montgomery, Thomas, of Kentucky, attended - 326
speech of, on the new Tariff bill - - 936
Montgomery, Alexander, a bill from the Senate for relief of the legal representatives of 460
read twice, and committed - - - 461
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Montgomery, J. M. C., a bill for the relief of, read twice, and committed - - - 1056
Moore, Gabriel, of Alabama, attended - - 326
remarks of, on the charges against Judge Tait - - - - - 464, 465, 467, 468
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on a paper respecting the character of Edwin Lewis - - - - - - 1059
Moore, Thomas L., of Virginia, attended - 328
Morgan, John J., of New York, attended - 328
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Morrison, James, a bill for the relief of, read twice, and committed - - - - 636
considered, and ordered to the third reading 732
read the third time, and passed - - 771
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read twice, and committed - - - 1111
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reported without amendment - - - 1162
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Natchez Hospital, Mr. Rankin presented the memorial of the General Assembly of Mississippi, praying the aid of Congress in support of the, referred - - - 927
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Naval Fraternal Association, debate on a bill for incorporating the - - - - - 437
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Naval Peace Establishment, Message transmitting a report of the Secretary of the Navy containing a plan for the - - - 342
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Navigation, a bill to repeal the third section of the act supplementary to the act concerning, read three times, and passed - 369, 371

Navy, Mr. Taylor moved that so much of the President's Message as relates to the, be referred to the Committee on Naval Affairs - - - - - - - - 331
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Mr. Cannon submitted a resolution directing the Secretary to report a statement of the names and grades of the officers of the 341
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Mr. Fuller submitted a resolution calling on the Secretary for information respecting the rules and regulations of the - - - 433
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Mr. Mitchell submitted a resolution calling on the Secretary for information as to the number and pay of surgeons and surgeons' mates in the - - - - - 475
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further considered, and ordered to the third reading - - - - - - - 1055
read the third time, and passed - - - 1057
returned with amendments - - - 1159
amendments concurred in - - - 1160

Navy Commissioners, report of contracts made by the, laid on the table - - - - 803

Navy Department, a letter from the Secretary transmitting a report of the clerks, messengers, &c., employed in the, laid on the table - - - - - - - - 328

Neale, Raphael, of Maryland, attended - - 328

Nelson, Jeremiah, of Massachusetts, attended - 325

Nelson, John, of Maryland, attended - - - 325
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Nelson, Hugh, of Virginia, attended - - 326
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New Brunswick, (New Jersey.) Mr. Condict presented memorials from inhabitants of, praying encouragement to manufacturing interests, referred - - - - - - 642

New Hampshire, a bill altering the time of holding the circuit courts in the districts of Maine and, read twice, and ordered to the third reading - - - - - - - 1090
read the third time, and passed - - - 1095

New Jersey, Mr. Condict presented a memorial from sundry inhabitants of, praying aid and encouragement to manufactures, referred - - - - - - - - 696

New Orleans to Washington, Mr. Johnson presented the report of a joint committee of the Legislature of Louisiana respecting a new and shorter mail route from - - 1089

Newspapers, order for supplying the members with - - - - - - - - 330
Mr. Lincoln submitted a resolution directing the Secretaries to report what journals, &c., are taken by their respective Departments - - - - - - - - 637
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Newton, Thomas, of Virginia, attended - - 326
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New York, Mr. Colden submitted a resolution as to the propriety of granting an appeal from the decisions of the district court for the northern district of - - - 1060
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a bill of the last session supplementary to the act for the better organization of the courts of the United States in, recommitted - - - - - - - - 1111
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Nichols, Amos, a bill from the Senate for the relief of - - - - - - - - 507
reported without amendment - - - 636
read three times, and passed - - - 1162

Nimmo, William T., a bill for relief of the heirs of, read twice, and committed - - 410
reported without amendment, and ordered to the third reading - - - - 1143
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Officers of the Government, a bill to reduce the salaries of certain, recommitted - - 481
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Offices, Mr. Lincoln submitted a resolution for establishing certain, by law, the compensation of which has heretofore been provided for in appropriation bills, or paid out of contingent funds - - - 664
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Ogden, Thomas L., and others, a bill for the relief of, read twice, and committed - - 661

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Ordnance, Mr. Cocke submitted a resolution calling on the President for a statement of expenditures on account of, for certain years - - - - - - - - - 384
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Orphans' Courts, Mr. Mercer presented the memorial of the judges of the, in the District of Columbia, praying a reorganization of said courts - - - - - - - - 384
Ouachita Parish, Louisiana, petition of sundry inhabitants of, respecting a tract of land called Bastrop's Grant, referred to a select committee - - - - - - - - 335
Overstreet, James, of South Carolina, resolution of respect for the memory of - - - 663

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Patents, Mr. Taylor submitted a resolution as to the expediency of allowing costs in all cases where damages are recovered for violations of, agreed to - - - - 474
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a bill concerning the President's signature to, for lands, read twice, and committed 1023
Patterson, Walter, of New York, attended - 325
Patterson, Thomas, of Pennsylvania, attended - 325
Payments from the Treasury, Mr. Cook submitted a resolution as to the expediency of requiring all, to be made directly to the party entitled to the same - - - 603
Penitentiary, a bill for the establishment of a, in the District of Columbia, recommitted - 340
an amendatory bill reported - - - 432
Pennsylvania, a bill to alter the judicial district of, recommitted - - - - - 355
reported, read twice, and committed - - 674
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Penobscot Bay and River, a resolution requesting the President to cause a survey to be made of the - - - - - - - - 390
Pensions, a bill concerning invalid, read twice, and committed - - - - - - 384
reported with amendment, and ordered to the third reading - - - - - 1142
read the third time, and passed - - - 1143
Pensions and Revolutionary Claims, appointment of the standing Committee on - 329
Peoria, Illinois, a bill to confirm certain claims to lots in the village of, considered - 471
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bill further debated - - - - - - 485
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reported with amendment, and again ordered to the third reading - - - - 528
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Perry, Sarah, Mr. Hamilton presented the petition of, referred - - - - - - 577
report in full thereon, with a bill for her relief, which was read twice, and committed - - - - - - - - - 651
Petitions and Resolutions, Mr. Williams submitted a resolution respecting the reference of the, of the last session - - - 354
amended, and laid on the table - - - 358
Philadelphia, Mr. Hemphill presented the memorial of the Chamber of Commerce of, praying the passage of the bill respecting duties on imports and tonnage, referred 632
Phillips, John, of Pennsylvania, attended - - 325
Phillips, George J., petition of the syndics of the creditors of, referred to the First Comptroller - - - - - - - - 724
Phillips, William, committee on the petition of, discharged, and the petition laid on the table - - - - - - - - - 793
Piatt, John H., debate on the motion to discharge the committee on the petition of the representatives of, and refer the same to a select committee - - - - - 797
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Pierce, Lieutenant George, Mr. Farrelly submitted a resolution respecting a provision for the support of the family of the late - 386
reported, with a resolution for referring the same to the Commissioners of the Navy Pension Fund - - - - - - 578
Pierson, Jeremiah H., of New York, attended - 325
remarks of, on the resolution for distribution of the copies of the digest of manufactures - - - - - - - - 889
Piracy, Mr. Taylor moved to refer so much of the President's Message as relates to the suppression of, to the Committee on Naval Affairs - - - - - - - - 331
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Mr. Condict submitted a resolution as to the expediency of further measures for the suppression of - - - - - - 348
resolution laid on the table - - - 349
a Message of the President on the subject of, in the West Indies and Gulf of Mexico, read, and referred - - - - - 349
a bill authorizing an additional naval force for the suppression of, read twice, and committed - - - - - - - - 369
debate on the bill - - - - - - 371
read the third time, and passed - - - 384
a bill in addition to the act to continue the act for the protection of commerce and punishment of, considered and ordered to the third reading - - - - - 447
read the third time, and passed - - - 449
a bill extending to district courts the jurisdiction heretofore given to circuit courts in cases of, read twice, and ordered to a third reading - - - - - - 1118

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Pitcher, Nathaniel, of New York, attended - 325
Plattsburg to Sackett's Harbor. (See *Military Road.*)
Plumer, William, junior, of New Hampshire attended - - - - - - - - 325
Plumer, George, of Pennsylvania, attended - 325
Poinsett, Joel R., of South Carolina attended - 723
Point Coupee, Louisiana, a bill granting a tract of land to the inhabitants of the parish of, read twice, and laid on the table - - 1023
Polar Regions, Mr. J. T. Johnson, presented a petition praying Congress to authorize an expedition to the, with a view of making discoveries, opening new sources of trade, and verifying Symmes's theory of the earth - - - - - - - 698
petition laid on the table - - - - 699
other petitions on the same subject presented and laid on the table - - 792, 928
Polerezsky, John, unfavorable report on the petition of, considered, reversed, and committed with instructions - - - 721
a bill for the relief of, read twice, and committed - - - - - - - - 824
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Porto Rico Expedition. (See *Hostile Expeditions.*)
Postmaster of the House, Mr. Cocke submitted a resolution that the, be appointed in the same manner as other officers of the House, and paid out of the contingent fund, laid on the table - - - - 1159
Postmasters, a bill further to regulate the compensation of, recommitted - - - 447
Mr. Condict submitted a resolution directing the Postmaster General to report at the next session respecting a more equitable compensation to deputy - - 1145
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Post Office Department, a letter from the Postmaster General, transmitting a report of the clerks and messengers employed in the, laid on the table - - - - 328
referred to the Committee of Ways and Means - - - - - - - - 674
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lettter from the same, transmitting a list of the clerks in the - - - - 507
Mr. Denison submitted a resolution directing the Secretary of the Treasury to report respecting the settlement of the accounts of the - - - - - - 489
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a bill to authorize payment for repairs to the, and to keep the engine, engine-house, &c., in repair, read twice, and committed 578
reported without amendment, and ordered to the third reading - - - - 1124
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a bill further to regulate the, read twice, and committed - - - - - - 642
considered, and laid on the table - - 1121
Post Offices and Post Roads, appointment of the standing Committee on - - - - 329
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Post Roads, a bill to discontinue certain, and establish others, read twice, and committed 1057
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considered - - - - - - - 1125
ordered to the third reading - - - 1126
read the third time, and passed - - - 1142
returned with amendments, which were concurred in - - - - - - - - 1170
Potomac River, Mr. Stewart presented a memorial from sundry inhabitants of Pennsylvania, praying aid in a plan for improving the navigation of the - - - - - 425
Mr. Stewart and Mr. Forward presented petitions from the same, praying aid in opening a water communication between the head-waters of the Ohio and the - - 469
a letter from the Governor of Maryland enclosing a report of the commissioners appointed to survey the, referred - - 713
Mr. Plumer presented a petition from the inhabitants of Pennsylvania, respecting a water communication between the Ohio and the - - - - - - - - 927
Powder Magazine, a bill to authorize the purchase of two, with the land connected therewith, read twice, and laid on the table 1090
Pre-emption, debate on a bill granting to Alabama and Arkansas a right of, to certain quarter sections of land for seats of justice 350
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a bill for reviving the fifth section of the act of third March, 1811, granting rights of, to Louisiana, read twice, and committed - - - - - - - - 478
a bill from the Senate granting a right of, to Alabama, to certain quarter sections of land, read twice, and committed - 668
considered and ordered to the third reading 1159
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Mr. Moore presented a memorial of the Legislature of Alabama praying the passage of a law extending rights of, to settlers in the purchase of quarter and half-quarter sections of land, referred - - - 793
President of the United States, a committee appointed to inform the, of the readiness of the two Houses to proceed to business - 327
annual Message of the, read, and five thousand copies ordered to be printed - - 328
committee appointed to inform the, of the readiness of the two Houses to adjourn - 1172
report of the committee - - - - 1176
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Private Land Claims, appointment of the standing Committee on - - - - 329
the committee discharged - - - - 1171
Prize Agents, Mr. Cocke submitted a resolution requesting information of the President in regard to moneys in the hands of 928
resolution agreed to - - - - - 930
Message transmitting a report of the Secretary of the Navy in reply - - - 1091
a joint resolution for withholding the compensation of certain, read twice, and ordered to the third reading - - - 1122
read the third time, and passed - - - 1124
returned with amendments, which were concurred in - - - - - - 1170

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Public Accounts, a bill in addition to the act for the prompt settlement of, and to punish the crime of perjury, read twice and committed - - - - - - - - - 483
the committee thereon discharged, and the bill laid on the table - - - - - 579
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read the third time, and passed - - 626
Public Buildings, report of the Commissioner of, laid on the table - - - - 340
appointment of a select committee on the subject of - - - - - - - 354
discharge of the committee - - - 1171
a bill making appropriations for the, read twice and committed - - - - - 1015
reported with amendments and ordered to the third reading - - - - - - 1112
read the third time, and passed - - - 1121
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Mr. Cocke submitted a resolution respecting the compensation of the Architect, &c, of the - - - - - - - - 1058
report thereon - - - - - - - - 1119
the Commissioner of, ordered to prepare rooms in the Capitol for accommodation of the next Congress, and additional room for the Clerk's office - - - 1172
Public Expenditures, appointment of the standing Committee on - - - - - - 329
Public Lands, appointment of the standing Committee on - - - - - - - - 329
the committee discharged - - - - 1171
Mr. Rankin submitted a resolution requesting information of the Secretary of the Treasury relative to proceeds of the sales of, in certain States - - - - - 478
agreed to - - - - - - - - - 482
report of the Secretary laid on the table - 697
Mr. Moore submitted a resolution respecting the purchase of, by the Registers and Receivers - - - - - - - - 676
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a bill making the gold coins of Great Britain, France, Portugal, and Spain, receivable in payments for, read twice, and committed - - - - - - - - - 858
ordered to the third reading - - - 1096
read the third time, and passed - - 1111
a bill for changing the mode of surveying the, in Mississippi and Arkansas, read twice, and committed - - - - - - 930
Mr. Moore presented a memorial of the Legislature of Alabama, praying that such as are subject to entry, may be entered by fourth quarter sections, referred 793
Mr. M. also presented a memorial of the same, respecting the propriety of postponing the sale of, in Decatur and Jackson counties, referred to the Secretary of the Treasury - - - - - - - - 793
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Public Moneys, a bill concerning the disbursement of, considered - - - - - - 336
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Purchasers of Public Lands, Mr. Moore presented a memorial of the Legislature of Alabama in behalf of certain - - - 793
a bill further to extend the provisions of the act, supplementary to the act for relief of, prior to 1st July, 1820, read twice, and laid on the table - - - - - - 825
ordered to the third reading - - - 1096
read the third time, and passed - - 1111
Purdy, Robert, a bill from the Senate for the relief of - - - - - - - - 507
reported without amendment - - - 625
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Randolph, John, of Virginia, attended - - 326
Rankin, Christopher, of Mississippi, attended - 326
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on the bill fixing the compensation of receivers - - - - - - - - 362
on Cherokee and Creek treaties - 442, 443
on a bill concerning lots in the village of Peoria - - - - - - - 476, 486
Rangers, Captain Bigger's company of, unfavorable report on the petition of, concurred in - - - - - - - - - 667
Receipts and Expenditures, letter from the Secretary of the Treasury, transmitting a statement of, for the year 1821, laid on the table - - - - - - - 662
Receivers of Public Moneys, a bill fixing the compensation of, called up - - - 356
considered, and ordered to the third reading 357
read the third time, and debated - - 363
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a bill for the relief of registers, receivers, &c., ordered to the third reading - - 357
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Redemption of Lands. (See *Direct Taxes.*)
Reed, John, of Massachusetts, attended - - 325
Reed, Philip, of Maryland, attended - - - 325
Rees, James, a bill for the relief of, read twice, and ordered to the third reading - - 928
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Refined Sugar, Mr. Wood presented the petition of sundry refiners in the city of N. York, praying an additional duty on the importation of, referred - - - - - - 792
Refugees, Mr. Walworth submitted a resolution for inquiring into the expediency of reviving the acts for the relief of, from Canada and Nova Scotia, debated - - 462
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Registers and Receivers, Mr. Moore submitted a resolution of inquiry into the expediency of prohibiting, from purchasing certain public lands - - - - - - - 676
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Mr. Moore submitted a resolution requesting the Secretary of the Treasury to furnish a statement of money charged or retained by, for clerk hire, &c., since the year 1818, read, &c. - - - - - - - 1052
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Registers of Wills, a bill fixing the compensation and fees of, in the District of Columbia, considered and ordered to the third reading - - - - - - - 356
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Reid, Robert R., of Georgia, attended - - 354
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speech of, on the Naval Fraternal Association - - - - - - - - 522
remarks of, on his proposed amendment to the Constitution - - - - - - 626
on the suppression of public documents - 878
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Reports of the Supreme Court. (See *Supreme Court.*)

Retrenchment, select Committee on, appointed 410

Revenue, Mr. Taylor moved to refer so much of the President's Message as relates to the, to the Committee of Ways and Means - 331
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Revenue Service, a letter from the Secretary of the Treasury, transmitting a statement of contracts, &c., made for the, during the year 1821, laid on the table - - - - 724

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Revolutionary Pensioners, Mr. Garnett submitted a resolution directing the Secretary of War to report at the next session the number of, in each State - - - - - 1159

Revolutionary Pensions, appointment of a select Committee on the subject of - - - - 335
committee discharged from further consideration of the petitions before it - - - 1057
Mr. Garnett submitted a resolution directing the Secretary of the Treasury to report the amount of money received or receivable in each State on account of - 1158

Revolutionary Soldiers, a memorial of certain - 359

Revolutionary War, a bill supplemental to the acts to provide for persons engaged in land and naval service in the, twice read, and committed - - - - - - - 460
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on a bill concerning lots in the village of Peoria - - - - - - - - 478
on Mr. Vance's resolution respecting surveyors of public lands - - - - - 640
speech of, on the new Tariff bill - - - 783
remarks of, on the suppression of public documents - - - - - - - 883

Rich, Charles, of Vermont, attended - - - 506

Rio Hondo and Sabine Rivers. (See *Louisiana.*)

Road, a bill to authorize laying out and opening a, from Wheeling, Virginia, to the seat of government in Missouri, read twice, and committed - - - - - - - 410
committee discharged, and the bill laid on the table - - - - - - - - 561
Mr. Cook submitted a resolution of the Indiana Legislature, urging the propriety of making the said, laid on the table - 930
a bill making a, from the Miami of Lake Erie to the Connecticut Reserve, deferred 426
taken up, and considered - - - - - 443
laid on the table - - - - - - 445
taken up, and considered - - - - - 547
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Roads, Senate bill for clearing, repairing and improving certain, for facilitating the transportation of the mail - - - - 1144
read first and second time, and referred - 1146
reported without amendment - - - - 1157
considered, and ordered to the third reading 1170
read the third time, and passed - - - 1171

Roads and Canals, a bill to procure the necessary plans, surveys, and estimates of, referred to a Committee of the Whole - 339
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motion negatived, and the bill laid on the table - - - - - - - - 625
motion to take it up - - - - - - 700
agreed to, and the bill further considered - 701
motion to resume the consideration negatived - - - - - - - - - 725
on motion of Mr. Cook so much of certain acts as set apart money from the sale of certain lands for the purpose of constructing, referred to a select committee - - - - - - - - - 340
appointment of the committee - - - - 341
appointment of a select committee on the subject of - - - - - - - - 386

Robbins, Brintnell, a bill for the relief of, read twice, and committed - - - - - 1118

"Robert Fulton," Mr. Morgan presented a petition of the owner of the steamship, praying for certain privileges, referred - - 792

Roberts, William G. and Benjamin, a report on the petition of, recommitted - - - - 474

Rochester, William B., of New York, attended 325
remarks of, in relation to the standard of American gold coins - - - - - 663

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Rogers, Thomas J., of Pennsylvania, attended 325
Ross, Thomas R., of Ohio, attended - - - 326
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Ross, James, a bill for the relief of, reported without amendment, and laid on the table 1143
Royal, James, Mr. Allen presented the petition of, referred to a select committee - - 369
a bill for the relief of, read twice, and committed - - - - - - - - 440
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read the third time, and passed - - 1144
Ruggles, Charles H., of New York, attended - 325
Russ, John, of Connecticut, attended - - 325
Russell, Jonathan, of Massachusetts, attended - 325
Russell, Joshua, Senate bill for the relief of, read twice, and referred - - - - 561
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Salaries. (See *Officers of the Government.*)
Saltmarsh, William, the petition of, committed 474
Salt Springs, Lead and Copper Mines, Mr. Rankin submitted a resolution calling on the President for information in relation to the number and locality of the, within the United States - - - - - - - 483
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Mr. Rankin submitted a resolution requesting the President to communicate said information at the next session, agreed to 905
Saunders, Romulus, of North Carolina, attended 326
remarks of, on charges against Judge Tait 464
speech of, on the bill for disciplining the militia - - - - - - - - - 562
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Sawyer, Lemuel, of North Carolina, attended 506
Sayles, William, a bill for the relief of, read twice, and committed - - - - - - 354
read the third time, and passed - - - 425
his case explained - - - - - - 425
Schieffelin, Jacob and Henry, Mr. Cambreling submitted a resolution calling on the President for certain documents relating to the claim of - - - - - - - 482
considered, and agreed to - - - - - 488
Mr. Cambreling moved to refer the petition of, to the President - - - - - 1042
considered - - - - - - - - 1077
agreed to - - - - - - - - - 1087
Scott, John, of Missouri, attended - - - - 326
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Scott Eleazer, the petition of, referred to the Committee of the Whole, on the bill concerning invalid pensioners - - - - 770
Seamen, Mr. Tomlinson submitted a resolution directing the Secretary of the Treasury to report the amount annually received under the act for the relief of sick and disabled - - - - - - - - - - 440

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resolution agreed to - - - - - - - 448
report received and referred - - - - 795
the Speaker presented a letter from the Secretary of the Treasury transmitting a statement of expenditures for sick and disabled, for the year 1821, laid on the table - - - - - - - - - 725
a bill to provide for sick and disabled, read twice, and committed - - - - - 930
Seeds, a memorial of the New York Agricultural Society, praying that all, may be admitted free of duty, referred - - - - 793
Seneca Indians, Mr. Tracy presented a petition praying relief to certain, who were wounded in the late war, referred - - 792
favorable report thereon read, and committed - - - - - - - - - - 1090
Sergeant, John, of Pennsylvania, attended - 642
remarks of, on the petition of John H. Piatt 797
on the Tariff bill - - - - - - - 1016
Sergeant's Treatise on Constitutional Law, Mr. Nelson submitted a resolution for purchasing a number of copies of, for the use of Congress - - - - - - - - 449
adverse report thereon - - - - - 488
Seventeenth Rule, Mr. Condict moved to suspend a part of the, negatived - - - - 1145
Seward, Daniel, Senate bill for the relief of - 507
referred to the Committee on Public Lands 560
reported without amendment - - - 602
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passed - - - - - - - - - 1162
Shafer, Jacob, a bill for the relief of, read twice, and committed - - - - - - - 560
Shawneetown, Illinois, a bill to authorize a remission of the instalments due on certain lots in, read twice, and committed - 602
reported without amendment, and ordered to the third reading - - - - - 1143
passed - - - - - - - - - 1143
returned with amendments and concurred in 1169
Sibley, Solomon, of Michigan, attended - - 335
remarks of, on the bill for the relief of American captives - - - - - - - 338
on the bill for a road from the Miami of Lake Erie to the Connecticut Reserve 548, 552
Sick and disabled Seamen. (See *Seamen.*)
Sinking Fund, the annual report of the Commissioners of the, read and laid on the table - - - - - - - - - 857
Slave Trade, Mr. Taylor moved to refer so much of the President's Message as relates to the suppression of the, to a select committee - - - - - - - - - 331
debate thereon - - - - - - - 332
agreed to - - - - - - - - 333
appointment of the committee - - - 333
Mr. Mercer submitted a resolution requesting the President to enter into negotiations with the several maritime Powers for the abolition of the African - - 928
called up, and debated - - - - 1147
agreed to - - - - - - - - 1155
Sloan, John, of Ohio, attended - - - - 326
remarks of, on a resolution in relation to land office clerks - - - - - - 582
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Smilie, William, a bill for the relief of, read twice, and committed - - - - 1013
Smith, Arthur, of Virginia, attended - - 326
on the bill for the suppression of piracy - 376
Smith, James, a bill for the relief of, read twice, and committed - - - - - - 432
reported, and ordered to the third reading - 1143
Smith, John Speed, of Kentucky, attended - 328
Smith, Dr. J., late vaccine agent, Mr. Wright presented the petition of, referred to a select committee - - - - - - 577
report thereon agreed to, and the committee discharged - - - - - - 643
Smith, Joseph, of Alexandria, Mr. Mercer presented the petition of, referred - - 478
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Smith, Samuel, of Maryland, attended - - 325
remarks of, on the bill to suppress piracy - 373
the Speaker presented a letter from, resigning his seat in consequence of his having been appointed Senator - - - - 390
Smith, William, of Virginia, attended - - 328
Smyth, Alexander, of Virginia, attended - - 326
speech of, on his resolution for amending the Constitution - - - - - - 508
on the new Tariff bill - - - - - 758
remarks of, on the suppression of public documents - - - - - - - 876
speech of, on the General Appropriation bill 1030
Snyder, Abraham, the petition of, referred to the Secretary of the Treasury - - 579
report of the Secretary laid on the table - 632
taken up, and referred - - - - - 644
a bill for the relief of, read twice, and ordered to the third reading - - - - - 794
read the third time, and passed - - - 804
South Carolina, Mr. Gist presented a petition of sundry inhabitants of, praying the establishment of a district court of the United States for the upper and western district of said State, referred - - - 696
a bill to alter times of holding the circuit court in the district of, read twice, and committed - - - - - - - 733
Senate bill to divide the State into two judicial districts - - - - - - - 825
read twice, and referred - - - - - 887
reported without amendment, and ordered to the third reading - - - - - 930
read the third time, and passed - - 959
amendments concurred in - - - - 1023
Spain, Mr. Taylor moved to refer so much of the President's Message as relates to the ninth article of the treaty with, to the Committee on the Judiciary - - - 331
agreed to - - - - - - - - - 332
a bill to carry into effect the ninth article of the treaty with, read twice, and committed - - - - - - - - - 1023
reported without amendment, and ordered to the third reading - - - - - 1142
read the third time, and passed - - - 1143
returned with amendments, concurred in - 1169
Spanish Main, Mr. Fuller submitted a resolution requesting the President to inform the House what measures have been taken to remove the illegal blockade of the ports of the - - - - - - 1145

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